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THE LAND PROBLEM OF REORGANIZED BOMBAY STATE

BY

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WITH A FOREWORD BY

SHRI YASHWANTRAO B. CHAVAN,
Chief Minister, Bombay



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To
Shri Ishwarbhai Kilabhai Patel
and
Shrimati Lalitaben
whose affection, sympathy and support have saved
me from the buffetings of the billows of the world.

जिनकी ममता, सज्जनता, एवं सहानुभूतिने
सांसारिक भ्रंशावातके थपेड़ोंसे
निरंतर उबारा,
उन्हीं
श्री. ईश्वरभाई किलाभाई पटेल
एवं
श्रीमती ललिताबहन
को
गादर समर्पित

—गोविंदलाल

Books by the author

1. The Agrarian Reforms in Bombay.
2. The Indian Land Problem and Legislation.
3. The Land Revenue Settlements in Gujarat under the British.
4. આપણી પરિસ્થિતિ.
5. ગ્રામીણો હૈયે.

FOREWORD

The twin objectives of land reforms in India have been the stepping up of the agricultural production and the establishment of a socialistic order of society for the greatest good of the greatest number. In the egalitarian society so envisaged, it is hoped that every individual will find scope for the development and employment of his abilities without inhibitions of caste, creed or race. In India, during the last decade, various measures for the land reforms have been undertaken by the various State Governments. Amongst them it is not too much to claim that the Bombay Government is leading other States in several respects.

In this State, the work of the abolition of the intermediaries between Government and the tillers of the soil is well-nigh complete. The tenancy reforms are in the process of implementation. Although the role of the State Government is very important in the process of implementation, the response of the human factor is very vital to the success of any programme of the land reforms in any State. In evaluating the land reforms, this human factor should be given proper weightage.

Now the main problems that remain to be tackled in the land reforms are the transfer of ownership to the tenants and the formation of co-operative farming societies of small holdings with the ultimate object of co-operative village management envisaged by the Planning Commission. In the nature of things, this programme will require considerable political wisdom and administrative experience.

Apart from the land revenue and tenure reforms, the question of the unification of all the land revenue and other laws of the constituent units is the urgent need of the revenue administration. In tackling these problems, the needs of all the constituent units will have to be borne in mind and attempts will have to be made to unify administration and laws of these units for achieving facilities both to the administration and the people.

When these problems are looming large before the State Government, Dr. Patel's book comes in as a handy publication which deals comprehensively with the problems affecting all the constituent units relating to land revenue, survey and settlement, land tenures, tenancy, the Bhoodan and land redistribution, consolidation of holdings, the land census, rural credit, co-operative farming, etc. The landscape of the land

problem is presented to the reader in a very lucid style with proper statistics and documentation of authorities. It is needless to say that the book will be very useful in formulating the future policies of Government in all these matters. It is very creditable that, along with this official duties, Dr. Patel has written this useful book in a series of the books on the land reforms. I have not the least doubt that this book will prove very useful to the Government officials, administrators, social scientists and research students. It is indeed a valuable contribution to the studies of the land problem which are very rare in India.

Bombay,
28th March 1957

Y. B. CHAVAN
Chief Minister
Government of Bombay.

I congratulate Shri G. D. Patel, Land Reforms Implementation Officer, Government of Bombay, for having brought out a Book entitled "The Land Problem of the Reorganised Bombay State", which explains the meaning and implications of the various problems on the Land Reforms. I have no doubt that his Book will meet the needs of a vast majority of Landlords and Tenants whose rights and liabilities are determined under the Land Reforms.

Bombay,
27th March 1957

RASIKLAL PARIKH
Revenue Minister
Government of Bombay.

* * *

I am very glad to extend to Dr. G. D. Patel my good wishes for the success of his latest book on the Land Problem of the Reorganised Bombay State.

2. I have known Dr. G. D. Patel for some time and have always been impressed by his intimate knowledge of the details of the land problem in general, but of the Bombay State in particular. He has had ample grounding in the facts of the problem during the course of his official duties and with his academic background it has been possible for him to study this problem both as a theorist and as a practical administrator. His approach to the subject is therefore a balanced one and in the course of this book he has tried to maintain an equilibrium between aspirations and practicability. This, apart from the factual data which the book compresses in a comparatively short volume, lends a special distinction to his work.

3. Of all the problems with which this country is confronted in the course of its economic development, the land problem is the one that affects vitally the largest sector of India's vast population. It must be borne in mind that this population presents a diversity which has to be studied in order to be appreciated. The landlords, for instance, come from various cross sections of the society. They range from small holders to big land owners. The former consist of absentees who comprise of small placed Government employees, labourers, small shopkeepers, domestic servants and those engaged in a small way in miscellaneous professions. Those of the small holders who still seek their living in villages are artisans and others engaged

in essential village pursuits and those who constitute uneconomic class in rural life. The medium sized landlord whether in villages or outside is, economically speaking, not so well placed as to be classed amongst the prosperous type. The number of those who are in affluent circumstances is comparatively small and the total area of their holdings is demonstrably inadequate to sustain the landless or the undersized holder in villages. As regards the tenant class some of them in the size of their holdings are better placed than the small holders amongst the landlords, but the large majority is impoverished, economically living below the subsistence level, illiterate and not quite conscious either of his rights or of his responsibilities. In such a variety, obviously, the extremes are no solution, nor is there any scope for experimentation or theorising. The solution has to be a balanced and equitable one. We have to tread warily lest we should upset the means of subsistence of a large number of those who depend on land either wholly or partially. We have to be cautious lest any false or wrong step should adversely affect our food production. We have to be prudent so that this large reserve of manpower and this basic factor of economic production are utilised to the maximum benefit of the community as a whole. We have to be tactful in dealing with persons whose roots lie in past traditions and long established practices. We have to be imaginative in order to ensure that land plays its due part in the economic regeneration of the country as a whole. We have to be sympathetic in order to see that genuine hardships are redressed and wrongs righted. Above all, we have to be wise to ensure that the solution does not create discontentment, the consequential disillusionment of which may leave a desert track of demoralisation and make the population a prey to seemingly right but impracticable remedies and apparently attractive, but really destructive theories.

4. There is enough in Dr. Patel's book to give the reader food for thought on all these lines and I am sure that this work would provide a useful book of reference to the student, the administrator, the social worker, the legislator, and the policy-makers alike.

Bombay,
2nd April 1957.

V. SHANKAR, I.C.S.
Secretary, Revenue Department
Government of Bombay.

P R E F A C E

" Our energy is in proportion to the resistance it meets. We attempt nothing great but from a sense of the difficulties we have to encounter; we persevere in nothing great but from a pride of overcoming them."

HAZLITT

The book is a product of my attempt to divert my mind from the despair and depression that engulfed me last year. Had there been no resistance and opposition in my life, perhaps this book would not have been written and seen the light of day.

Originally, the book was written about the land systems and the land reforms of the three constituent units of Gujarat, Saurashtra and Kutch. But after the Parliament decided upon the bilingual State of Bombay constituting the aforesaid three Gujarati-speaking units and the three Marathi-speaking units of Maharashtra, Vidarbha and Marathawada with Greater Bombay, the relevant matter relating to the Marathi-speaking areas was incorporated in the Chapters concerned. As a result, the size of the book is practically doubled. The book attempts at presenting a well-nigh complete picture of the land systems, survey and settlement, the land revenue legislation, the systems of the revenue accounts, the land tenure reforms, the tenancy reforms, the Bhoodan and its role in the distribution of land to the landless, the prevention of fragmentation, the consolidation of holdings, the land census, the co-operative farming and co-operative land management, land reforms and rural credit, etc., of the reorganized State of Bombay. These problems are dealt with separately for each of the six constituent units of the new State. It will appear that each constituent unit tackled these problems keeping in view the broad principles of the rationalization of the land revenue system and laws and the abolition of the intermediaries between Government and the actual tiller of the soil. But the broad pattern of the reforms was varied to meet the local political and administrative conditions of each region. Thus, the reader would find a great diversity in the midst of uniformity of approach in tackling the various land problems of those units. Now this Government will have to consider the unification of the laws relating to the land systems, land tenures and tenancy of those units.

An attempt is made to deal with these problems from the historical, legal and administrative aspects. In the last Chapter,

I have thrown a few suggestions for the future pattern of the land system and land reforms, which will have to be evolved. In the treatment of those problems, I have drawn upon the official and private publications such as the Imperial and State Gazetteers, 'The Land Reforms of the Bombay State' and 'The New Tenancy Law' published by the Bombay Government, the reports of the Land Reforms Committees, the land revenue laws, the laws relating to the land tenures, tenancy, consolidation of holdings, the Bhoodan, etc. I have left no stone unturned in obtaining material about the different States in order to make the book as up-to-date as possible. Wherever possible, the statistical information relating to the problem is given in the relevant Chapters and the appendices. It should be clearly understood that the responsibility for the facts and figures stated in the book is entirely mine and not of Government. In writing this book, I have kept before me the requirements of Government, administrators, agricultural economists, political and social workers and candidates appearing at the Revenue Qualifying, the Revenue Lower and Higher Standard Examinations.

My previous publications "The Agrarian Reforms in Bombay" and "The Indian Land Problem and Legislation" have been very well received by the public, the State Governments and research institutions in and outside India. I hope this book will also be found equally useful to them. In evaluating this book, the fact that the writer is a Government official having limitations under the service rules should not be forgotten.

As regards debts and acknowledgments, I am first indebted to many friends who ungrudgingly extended their help in various ways and secondly, to the various authors whose publications I have utilized and lastly, to Government which permitted the publication of the book. I should particularly mention my friend Shri P. Y. Chinchankar, M.A., of the Khadi Board, who prepared the index to the book.

I am much grateful to Shri Y. B. Chavan, the Chief Minister, for writing an encouraging foreword to the book and Shri Rasiklal Parikh, the Revenue Minister, and Shri V. Shankar, I.C.S., Revenue Secretary, for giving their blessings to the publication.

MATUNGA (W.R.)
8th April 1957
Ramnavami

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G. D. PATEL

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CHAPTER 1

THE BACKGROUND OF THE LAND PROBLEM

1. *Introductory:*

The land problem of the reorganized State of Bombay has its own special problems which demand a separate treatment. It is not that it differs entirely from similar problems obtaining in other States of India. But its peculiarities lie in the pronounced regional variations in its constituent units as a result of the past revenue history and land administration. Owing to the creation and continuation of different political and administrative units in the past, at no time, those problems could be dealt with comprehensively during the British administration, even though these Marathi- and Gujarati-speaking areas had common culture, religion, language, internal connections of trade, industries and transport.

As regards the Gujarati-speaking areas, the British separated from the mainland of Gujarat, the Kathiawar portion by the Walker Settlement of 1807-08. The Kutch region was separated by the change in the course of the Indus and the formation of the Ran. Thus the geographical reasons no less than the political ones played a major part in separating Kutch from the main land-mass of Gujarat. After achievement of Independence in 1948-49, to the old five districts of Gujarat were added 5 more districts formed out of the merged areas and territories. Further, the merger and integration of the princely States made it possible for the 222 States and estates of Kathiawar to form the United States of Saurashtra. Under the Constitution of India, it was called the Part 'B' State with Rajpramukh as its constitutional head. The Kutch retained its identity and came to be centrally administered as the Part 'C' State.

As regards Maharashtra, the territories which fell to the British by the treaty of Poona in 1818, were lumped together with other areas of Bombay. Before the advent of the British, Nagpur area was under the Bhonsle Kings. That territory lapsed to the British in 1854 by escheat, when the king died without heirs. The province of Berar was held by the Marathas till they were defeated by the British in 1803. Thereafter, it was passed on to the Nizam who held it till 1853. By the treaty of 1853 and the agreement of 1860, the Berar districts were

placed in the exclusive management of the British. In the post-Independence days, the Central Provinces and Berar were constituted into the Part A State of Madhya Pradesh. Now, the Marathi-speaking areas of the ex-Madhya Pradesh have been formed into Vidarbha.

On the decline of the Moghuls, the Hyderabad State of which Marathawada formed a part was established in 1724 as an independent State by Asaf Jah, a distinguished general of Aurangzeb. After Independence, the Hyderabad State with its Marathi-, Kannad- and Telugu-speaking areas continued under the Nizam as Part B State with the Nizam as its Rajpramukh.

Now under section 8 of the States Reorganisation Act, 1956, all the Marathi-speaking areas of Maharashtra, Marathawada and Vidarbha and all the Gujarati-speaking areas of Gujarat, Saurashtra and Kutch have been brought together with effect from 1st November 1956 for the purpose of administration and overall development.

The reorganized State of Bombay comprises the following territories:—

- (a) the territories of the existing State of Bombay excluding—
 - (i) Bijapur, Dharwar and Kanara districts and Belgaum district except Chandgad taluka, and
 - (ii) Abu Road taluka of Banas Kantha district;
- (b) Aurangabad, Parbhani, Bhir and Osmanabad districts, Ahmadpur, Nilanga and Udgir talukas of Bidar district, Nanded district (except Bichkonda and Jukkal circles of Deglur taluk and Mudhol, Bhiansa and Kuber circles of Mudhol taluk) and Islapur circle of Boath taluk, Kinwat taluk and Rajura taluk of Adilabad district, in the former State of Hyderabad;
- (c) Buldhana, Akola, Amravati, Yeotmal, Wardha, Nagpur, Bhandara and Chanda districts in the former State of Madhya Pradesh;
- (d) the territories of the former State of Saurashtra; and
- (e) the territories of the former State of Kutch and thereupon the said territories have ceased to form part of the former States of Bombay, Hyderabad, Madhya Pradesh, Saurashtra and Kutch, respectively.

The said Chandgad taluka is included in, and becomes part of, the Kolhapur district, the said Ahmadpur, Nilanga and Udgir taluks are included in, and become part of, the Osmanabad

district, the said Islapur circle of Boath taluk, Kinwat taluk and Rajura taluk are included in, and become part of, Nanded district and the territories comprised in the former State of Kutch are formed, into a separate district to be known as the Kutch district, in the new State of Bombay.

In this set-up, the areas covered by the Marathi- and Gujarati-speaking territories and population are stated below:—

Linguistic area	Area in sq. miles	Population
1. Marathi-speaking ..	1,19,57.7	2,93,76,579
2. Gujarati-speaking ..	71,007.2	1,60,49,325
3. Greater Bombay Area ..	111.0	28,39,270
Total ..	1,90,689.9	4,82,65,174

Broadly speaking, the new State is 1/7th (15%) in population and 1/8th (13.4%) in area of the entire country.

In the reorganized State, there are 43 districts as under:—

<i>Gujarati-speaking</i>	<i>Marathi-speaking</i>
<i>Former Gujarat area</i>	<i>Former Maharashtra area</i>
1. Banas Kantha,	1. Thana,
2. Amreli,	2. West Khandesh,
3. Mehsana,	3. East Khandesh,
4. Sabar Kantha,	4. Nasik,
5. Ahmedabad,	5. Dang,
6. Kaira,	6. Ahmednagar,
7. Panch Mahals,	7. Sholapur,
8. Baroda,	8. South Satara,
9. Broach,	9. North Satara,
10. Surat.	10. Kolhapur,
	11. Ratnagiri,
<i>Former Saurashtra area</i>	12. Kolaba,
11. Halar,	13. Poona.
12. Madhya Saurashtra,	
13. Zalawad,	<i>Former Marathawada of</i>
14. Gohilwad,	<i>Hyderabad</i>
15. Sorath.	14. Osmanabad,
	15. Bhir,
	16. Aurangabad,
	17. Parbhani,
	18. Nanded.

*Gujarati-speaking**Marathi-speaking**Kutch**Former Vidarbha area*

16. Kutch.

19. Buldhana,

20. Akola,

21. Amravati,

22. Yeotmal,

23. Wardha,

24. Nagpur,

25. Bhandara,

26. Chanda.

GREATER BOMBAY AREA

1. *Bombay Suburban District:*

With a view to decentralization of the functions and powers of Government, the whole State is divided into six Divisions in charge of the Divisional Officers recently appointed under the Bombay Land Revenue Code (Amendment) of 1956. The Divisional Officers have 5 to 8 districts in their charge. They are assisted in their work by three Assistant Divisional Officers. There is one Collector in charge of each district who is assisted by the Assistant or Deputy Collectors at the Prant level and the Mamlatdars and Mahalkaris at the taluka or mahal levels. The Mamlatdars have under them, in addition to the clerical staff, an executive staff consisting of the Aval Karkuns, Circle Officers and Circle Inspectors, Talatis, Patels and inferior village servants. The last three form the rock-bottom of the revenue administration on which the superstructure of the taluka and district administration is built up.

Now that the limbs of Maharashtra and Gujarat which were separated owing to the political exigencies of the past administrations are joined together, it is for the sons of the new State to weld them into the organic whole and galvanize the moribund forces of life and administration into activity in order to create a new spirit and life in the State.

2. *The Land Problem:*

It is common knowledge that the land problem of a State is affected by its constitution, physical configuration, area, population, livelihood pattern, climate, rainfall, soil, crops, forests, irrigation, etc. Before considering the total land problem of the new State, it is necessary to consider all these

factors according to the conditions prevailing in the constituent units. Since the constituents vary, there are bound to be local or regional variations, which would demand separate treatment at least in the initial stages of development. But in the ultimate analysis, the problem will have to be thought out comprehensively and solved for the entire State.

By way of introduction to the problem, it is now proposed to consider each factor in its regional perspective in order to help formulation of the new policies relating to the land reforms of the new Bombay State.

3. *The Boundaries and Physical Configuration:*

Geographically, the pre-merger Bombay State forms part of the Western India, which includes Saurashtra, Kutch, the Bombay districts and the former Deccan and Gujarat States. A narrow coastal plain immediately succeeded by the Sahyadri Ghats and beyond them by the undulating plateau makes up the physical configuration of the southern and central parts of Western India. The Tapti valley separates this region from the north which consists of the Gujarat alluvial plain enclosed by the Central India highlands and the Saurashtra Peninsula. Larger crustal movements have created the Deccan Peninsular table-land and faulted coastline and the rivers and their tributaries during long periods of crustal quiescence have produced the local relief features such as the residual hills and the river basins. It is, however, the local geological formations that have lent these relief features their typical landscape and the soils their individual characteristics.¹

Maharashtra consists of the Deccan table-land which is bounded on the north by the Satpuras, on the west by the edge of the Sahyadris and the administrative boundary of the former Bombay State on the east. In the south, this region gradually merges into the Karnatak plateau. Relief and rainfall govern the human geography of Maharashtra. This region divides itself into the northern and southern parts. The northern part slopes towards the Tapti valley and is drained by the Girna and other tributaries. The river basins of the south are demarcated by the residual hills which mostly branch off from the main chain of the Sahyadris. The southern part forms the beginning of the Godavari and the Krishna system which drain about one-third portion of the peninsula. The Konkan region

¹ *The Statistical Atlas of the Bombay State* (1950) p. 1.

is not a plain but a series of estuarine lowlands separated by numerous hill ranges projecting from the Sahyadris.

The Gujarat region lies on the west coast of India. On its west is the Arabian Sea and the Nalkantha (separating Gujarat from Saurashtra); on the north-west is the gulf of Kutch; to the north lie the little Ran and the Rajasthan desert and to the north-east lie the Mount Abu and the spurs of the Arvalli hills. The east is guarded and limited by rough forest land rugged in the north with side spurs of the Vindhya, more open towards the central natural highway from Baroda to Ratlam and southwards again rising and roughening into the northern off-shoots from the main range of the Satpudas. The southern limit of Gujarat according to the popular traditions is the small river of Daman Ganga near the Portuguese pocket of Daman. According to the natural physical conditions, the Gujarat region divides itself into northern and southern portions.

Saurashtra is a square peninsula standing boldly out into the Arabian Sea between the smaller projection of Kutch and the straight line of the Gujarat coast. Its physical features suggest that it may once have been an island or a group of islands of volcanic origin. Half way along its northern border stretches a flat desert called the Ran, which in the rainy season becomes a shallow lake and in the dry season is bare of vegetation and studded with deposits of salt. Between Saurashtra and the Gujarat mainland, a belt of salt land, with occasional marshes and pools, shows that at one time a channel joined the Ran with the gulf of Cambay, and that the whole northern margin of Saurashtra, from the gulf of Kutch to the gulf of Cambay, was once washed by the sea. The silt of the old eastern branch of the Indus, of the Luni, the Banas, the Sarasvati, the Rupen and the Sabarmati, has gradually filled the shallow sea-bed into which it fell and has joined north-east Saurashtra with the mainland. Except this alluvial tract, the surface of Saurashtra is everywhere undulating or broken into hills.²

Kutch is a belt of land, 160 miles from east to west and from 35 to 70 miles from north to south, almost entirely cut off from the continent of India by the Ran in the north-east, the gulf of Kutch in the south and the Arabian Sea in the west. Owing to its isolated position, the people have developed special dialect and character which distinguish them from the people of Saurashtra and Gujarat.

² *The Bombay Gazetteer of Kathiawar*, Vol. VIII, p. 1.

Vidarbha lies in the centre of the Indian Peninsula and is bounded on the west, south and east by Bombay, Hyderabad (Marathawada) and Andhra, and on the north by the Hindi-speaking districts of the former Madhya Pradesh. The great range of the Satpuras, stretching across the State from the western edge and extending along the greater portion of its north-east boundary forms the leading feature in the physical configuration of the country. To the south and east of the Satpuras are the three plains, viz. the Berar, Nagpur and Chhattisgarh plains. The Wardha separates the first from the second; whereas the second and the third are divided from each other by the water-shed of the Wainganga and the Mahanadi rivers. The Nagpur plain contains the districts of Wardha, Nagpur, Bhandara, Chanda, etc., and is broken by a series of undulating slopes into ridges and valleys.

The *Vidarbha* area covers mostly the Nagpur-Berar plain. It includes Nagpur, Wardha, Buldhana, Akola and Yeotmal districts, the southern portion of Amravati and the western parts of Bhandara and Chanda districts. The rivers Purna, Pain-ganga, Wardha and Wainganga flow through this area. The eastern parts of Chanda and Bhandara districts fall in the Chhattisgarh plain.

The Hyderabad State was an extensive plateau. It was divided into two large and nearly equal divisions, geologically and ethnically distinct separated from each other, by the Manjra and Godavari rivers. The Marathawada region to the north and west of that State belongs to the trappean region inhabited by the Marathi-speaking people. The trap or black cotton soil is covered with vegetation with cliffs, crags and undulating hills. The soil resulting from the decomposition of the trap is dark and very fertile.

4. *Area, Population and Livelihood Patterns:*

Gujarat comprising ten districts (excluding the Abu Road taluka) covered an area of 32,832 sq. miles and had population of 1,13,44,360 according to the 1951 census.

The Saurashtra State consisted of five districts covering an area of 21,451 sq. miles and having a total population of 41,37,359.

The State of Kutch covered an area of 16,724 sq. miles with a population of 5,67,606.

The Maharashtra districts (the Deccan Northern Division) covered an area of 45,155 sq. miles and had population of 1,23,64,735 according to the census of 1951.

Vidarbha covered an area of 36,880 sq. miles with a population of 76,07,038.

Marathawada had an area of 25511.7 sq. miles with a population of 51,85,196.

The density of the Gujarat division was 344 per sq. mile, the Northern Deccan Division 274 and the Konkan 298. Saurashtra 193 and Kutch 34 according to the 1951 census. In these areas, the Kaira district recorded the highest density of 634 per sq. mile.

The density of population for the reorganised State would be 253 persons per sq. mile, as against 281 in the Indian Union.

The livelihood pattern as revealed in the last census is that roughly speaking three-fifths of the population depended principally on agriculture and the remaining two-fifths on non-agricultural means of livelihood. The Northern Deccan Division was much more heavily dependent on agriculture than the other Divisions of the pre-reorganization Bombay State. In Saurashtra and Kutch, more than half the population belonged to the non-agricultural classes. The reason for the high percentage of non-agricultural classes in these areas appears to be in the greater distances that separate the population centres in those regions leading to the satisfaction of non-agricultural needs by local effort. The existence of the large number of separate States in the Kathiawar peninsula before the integration in 1948 might have tended to increase the number of persons living in small urban areas and made dependent on non-agricultural means of livelihood.

There were 13,748 villages in the Gujarat division, 4,361 in Saurashtra and 964 in Kutch. Among these divisions, Saurashtra was the least rural (66.3%) and Kutch the most rural (80%) in the natural divisions of the Western India. Dangs, Ratnagiri, Kolaba, Sabar Kantha and Banas Kantha were the most intensely rural districts. During the past decade, the rural population of Gujarat division increased by 15.5%, next came Kutch with 10%, then Saurashtra with 7.6% then the Northern Deccan Division with 6.0% and the Konkan with 5.2%. Gujarat recorded the density of 279 per sq. mile, Kaira having the highest of 494 in its rural population. The density in the Konkan

where much of the cultivation is of paddy was 249, whereas it was 214 in the Northern Deccan Division. Since the rural population is predominantly dependent on agriculture, the density of the rural population is a matter of considerable importance from the point of proper utilization of land.

According to the livelihood class I (cultivators of owned lands and their dependants), the proportions of persons who derived their livelihood from their own lands was highest in the Northern Deccan Division, i.e. 65.5%, was 54.2% in the Gujarat division, 44.9% in Saurashtra, 33.7% in the Konkan, and 33.5% in Kutch. A very high percentage of owner-cultivators in the population as in the Panch Mahals, while indicative of a healthy social trend, is not necessarily an indication of agricultural prosperity, because the high percentage of owner-cultivators was due to the existence of the large number of Scheduled Tribes in its population.

As regards the livelihood class II (cultivators of unowned land and their dependants), Gujarat had 12.3%, Saurashtra 12% only and the Northern Deccan Division 4.7%. Thus, the percentage of population dependent on the cultivation of unowned lands is much smaller than the population in the livelihood class I.

With regard to the livelihood class III (agricultural labourers and their dependants), the land legislation in the past decade has presumably led to a more acute awareness of the distinction between a cultivating owner, a cultivating tenant and a labourer. Everybody was found to be claiming an owner-cultivator. The Northern Deccan Division returned as cultivating labourers 13.2%, Gujarat 10.5%, Konkan 5.9%, Saurashtra 5.3% and Kutch 3.4%. This class could arise out of poverty induced by over-population, or out of a demand for agricultural labour created by flourishing agriculture. The dependency of the rural population on agricultural labour was heavy in Broach (24.5%) and Surat (18.3%). It is presumed that the Adivasis in these districts helped swell the population of agricultural labourers. In short the percentage of cultivating labourers was comparatively very small.

As regards the livelihood class IV (non-cultivating owners of land, agricultural rent receivers and their dependants or more loosely *landlords*), such persons formed about 2.2% of the rural population in the whole of Bombay, Saurashtra and Kutch, the lowest percentage, 1.5% being in the Konkan.

The livelihood class V (production other than cultivation) would include carpenters, potters, blacksmiths, spinners, weavers and other craftsmen. The proportion of such persons in Kutch and Saurashtra was high. The reason was attributed to greater distances separating villages in these areas necessitating a greater number of producers to satisfy the local needs of more isolated village communities.

As regards the livelihood class VI (commerce), Saurashtra and Kutch returned the highest percentages of the rural population as dependent on commerce, followed by Gujarat.

The livelihood class VII (transport) provided means of livelihood of only 0.9% of the rural population in Bombay, Saurashtra and Kutch. The proportion of such population in Gujarat, Saurashtra and Kutch was insignificant.

Lastly, the livelihood class VIII (other services and miscellaneous sources) was the most important of the non-agricultural classes. Saurashtra and Kutch respectively returned 14.9% and 21.1% of their rural population in this class. Poor communications and a sparse population or over-population with a consequent swelling of the ranks of unskilled labourers contributed to the making of this class.³

As stated above, the three-fifths of the population depend mainly on agriculture, i.e. the land is a means for deriving their livelihood. This immense dependence on land and the absence of any diversification of occupation and employment underline the great importance of the land problem in these regions.

The information about the livelihood pattern for all the constituent units of the new State is tabulated on pp. 11-12.

In the new State, the rural and urban population would constitute 72.1 per cent and 27.9 per cent respectively of the total population as against 82.6 per cent and 17.4 per cent in the Indian Union. Out of them, 62.5 per cent would consist of the agricultural classes as against 69.7 per cent in the Indian Union.

5. *Climate and Rainfall:*

Climate controls the use of land, demarcates the forested regions from the agricultural areas through famines and scarcities, and influences the economic and social structure of the population.

³ The information about population has been culled out from the 1951 census report.

Livelihood Classes (1951 Census)	Kutch	Saurashtra	Bombay (excluding Karnatak districts)	Marathwada	Vidarbha	Reorganised Bombay State
Agricultural:						
1. Cultivators of land wholly or mainly owned and their dependants	Urban Rural Total ..	124 1,231 1,355	749 11,756 12,505	73 2,371 2,444	149 2,450 2,599	1,101 17,960 19,061
2. Cultivators of land wholly or mainly uncultivated and their dependants	Urban Rural Total ..	15 330 345	171 2,658 2,829	19 266 285	24 442 466	231 3,748 3,979
3. Cultivating labourers and their dependants	Urban Rural Total ..	11 144 155	229 2,271 2,500	51 1,107 1,158	135 1,900 2,035	427 5,438 5,865
4. Non-cultivating owners of land; Agricultural rent receivers and their dependants	Urban Rural Total ..	11 63 74	130 416 546	18 147 165	20 154 174	180 788 968
Total .. { Urban Rural	10 228	161 1,768	1,279 17,101	161 3,891	328 4,946	1,939 27,934
Total ..	238	1,929	18,380	4,052	5,274	29,873

	Kutch	Saurashtra	Bombay (excluding Karnatak districts)	Marathwada	Vidarbha	Reorganized Bombay State
Non-agricultural: Persons (including dependants) who derive their principal means of livelihood from—						
1. Production other than cultivation	Urban Rural	317 426	2,916 1,477	135 236	462 563	3,825 2,789
	Total ..	743	4,393	371	1,025	6,614
2. Commerce	Urban Rural	324 120	1,919 511	133 83	311 145	2,715 895
	Total ..	444	2,430	216	456	3,610
3. Transport	Urban Rural	83 24	536 203	31 9	103 29	761 272
	Total ..	107	739	40	132	1,033
4. Other services and miscellaneous sources	Urban Rural	508 406	3,147 1,680	249 257	432 288	4,382 2,727
	Total ..	914	4,827	506	720	7,109
Total .. { Urban Rural	104 226	1,232 976	8,518 3,871	548 585	1,308 1,025	11,710 6,683
	Total ..	2,208	12,389	1,133	2,333	18,393

Source: "Handbook of Statistics of Reorganised Bombay State", 1956, pp. 8-11.

Bombay shares the wider climatic pattern of India. It experiences hot weather from March to May, south-west monsoon from June to September and the cold season for the remaining period of the year. In Maharashtra, in the regions near the coast and the Sahyadris, there is high humidity and lower temperatures on higher slopes. The central and southern plateaux are more prone to famine conditions.

The climate of Gujarat is bound to be intense because it is only 20.3° north of the equator and the Tropic of Cancer passes through the northern border of the region. But the climate is rendered more pleasant and healthy because the Arabian Sea and the Gulf of Cambay wash the western shores. The existence of the rugged mountains and hills with forests on the eastern border reduce the intensity of the climate. As a result, on the western coastline, the climate is moist, while on the eastern boundary, it is comparatively cold. The north Gujarat however suffers from extremes of cold and heat.

In Saurashtra, the climate is extreme with severe cold winters and very hot summers. The climate of the coastal areas is temperate. On the whole, its dry climate is healthy.

Kutch suffers from the extremes of climate owing to the absence of forests and juxta-position of the Ran. The western coastal area is comparatively temperate.

The climate of the Vidarbha and Marathawada districts is generally hot and dry from March to May and temperate during the remaining months. There are no considerable variations in temperature.

The total land problem is concerned with rainfall, soil, crops and the irrigation facilities. Unless there is sufficient and seasonal rainfall, good and varied crops cannot be raised. The character of the crops is also vitally connected with the climatic nature and quality of the soil. The climate introduces a distinction which is fundamental to the Indian agriculture, i.e. the Kharif and Rabi seasons are due to the variations in the climate. There cannot be proper utilization of land unless there are irrigational facilities to supplement the rainfall. In the fixation of assessment, all these factors are taken into consideration.

There is immense regional variation in the distribution of the annual rainfall in Maharashtra. All along the Konkan coast, the rainfall is about 100 inches. Beyond the coastline of the Sahyadris, there is a very rapid decline so much so that some places hardly 50 miles away from the main range record less

than 20 inches of rainfall. The eastern margins of Maharashtra record a slightly higher rainfall because they receive it from the retreating north-eastern monsoons. The extreme variation is noticed in Mahabaleshwar in the Sahyadris receiving 264 inches, whereas Mhaswad in the central parts of Maharashtra plateau records only 18 inches. In the Sahyadris, most of the rainfall is received from the south-west monsoons. Rainfall and relief govern the human geography of Maharashtra.

The Konkan suffers from too much water during the rainy season and too little during the rest of the year. In Maharashtra, the monsoonal periodicity persists. During the rainy season, the flood waters entail much soil erosion. Due to this periodicity and the underlying rock, the central portions have to face frequent scarcity in water supply.

The total rainfall districtwise for the year 1952-53 is shown in Appendix A.

The rainfall in Gujarat is chiefly derived from the south-west monsoon from June to October. The South Gujarat is covered with the hills of the Sahyadri and the forests of Dangs with the result that it receives more rain than any part of Gujarat. The rainfall varies from 60" to 100". Due to the attraction of the Satpuda mountains, the Narbadda valley receives rainfall from 40" to 50". As we go north, the rainfall is decreasing in intensity. Round the regions of the Mahi and the Sabarmati, it is 35" to 40" and the Banas Kantha district registers only 20" as its maximum. The districtwise figures of average rainfall for Gujarat for the year 1952-53 are given in Appendix A.

Like Gujarat, Saurashtra depends for its rainfall on the winds from the Arabian Sea. The Sorath district gets the highest rainfall partly because of the proximity of the Girnar mountain and the Barada hills and partly because of the Gir forests. The rainfall decreases as we go north. The north and north-west regions receive low rainfall with the result that they are often liable to famine and draught. According to the Economic Survey of Saurashtra, the statistics of over 75 years have revealed that the rainfall varies considerably from year to year and that no distinct tendency is discernible for a series of years. The peculiarity of the Saurashtra monsoon lies in the heavy precipitations within a limited time, i.e. 3 inches fall within 24 hours. Such heavy rainfalls cause floods, damage crops and

are sometimes followed by prolonged dry spells introducing complete uncertainty about agriculture and rural life.⁴

Kutch lies along the north parallel of the Tropic of Cancer with the result that it is almost beyond the range of the south-west monsoon. The rainfall is very small in quantity, the annual average being generally in the neighbourhood of 14 inches.

In short, the Southern Gujarat plain and the Tapi valley receive a moderate rainfall from 30" to 40", but towards the Satpudas and the north-east highlands, there is an increase in the precipitation. Further north, there is a steady decline from 40" to 25" and along the Saurashtra coast, it is only 20". Kutch is, however, a semi-desert⁵ having an average annual rainfall of 14" or 15".

In *Vidarbha*, the rain is received by the monsoon winds from the Arabian Sea. The Bay monsoon contributes only its quota during the passage of storms especially late in the season and in the eastern districts. The average rainfall over the whole State works to 49 inches. The rainfall is heavy in the hilly regions.

The average rainfall during the last 83 years in the eight districts that have merged in Bombay is tabulated below:—

			<i>Inches</i>
Wardha	...	...	43.12
Nagpur	...	...	47.84
Chanda	...	...	50.55
Bhandara	...	...	54.43
Amravati	...	...	33.34
Akola	...	...	32.07
Buldhana	...	...	26.62
Yeotmal	...	...	41.75

In *Hyderabad*, the annual rainfall is normally 30 inches principally received from the south-west monsoon between June and October. The north-east monsoon brings between 4 and 7 inches of rain.

6. Soil:

The dependence on land for livelihood makes it necessary to examine the various categories of the soil found in the new

⁴ *The Economic Survey of Saurashtra* (1953), pp. 3-4.

⁵ Information showing rainfall of the State is incorporated in Appendix A.

State. For this purpose, we take up the problem regionwise. The total area of the Gujarat region has been 32,660 acres. Its soil is mostly alluvial and can be divided into Kali (black) and Goradu (loam). The black soil is mainly found in the Broach and Surat districts. It is also found in the former States of Baroda (the Navsari division), Palanpur, Cambay, Bansda (light black), Dharampur (poor in quality), Sachin and in some parts called Mal lands in the Kaira and the Sabar Kantha districts.

The Goradu (loam) soils are credited with great depth varying from the drift sands of Ahmedabad to the rich loam of Kaira. They contain organic matter and are highly developed in Charotar and certain parts of the ex-Baroda State. Such soils are also found in the former States of Palanpur, Lunawada, Bala-sinor and other States as well as in the Surat, Broach and Panch Mahals districts.

There is a third variety called 'Besar' which means mixed soils being an intermediate position between black and loam. This category is found all over Gujarat. Besides, there is another variety of soil called Bhatha formed by the gradual accretion of the soil on the banks of the rivers—the Tapti, the Narbadda, the Mahi and the Sabarmati.

Furthermore, the Khar lands are found in the former States of Tharad, Wao, Bhabhar and Terwada merged in the Banas Kantha district, the ex-Radhanpur State in the Mehsana district and the Cambay State in Kaira district. They are also found on the coastal areas of Broach and Surat districts.

Although these are the principal varieties of soils in Gujarat, all these varieties are found mixed up throughout. Particularly when they are mixed up with sand and stones, they are termed 'Retal', 'Kankariwali' and 'Khokhar' soil. From the point of fertility, the soils of Charotar in Kaira, Surat and Sabar Kantha are very good and yield good bumper crops with seasonal sufficient rains.

In *Saurashtra*, the black cotton soil with its numerous shades and varieties of texture is perhaps the most prominent variety in the State and covers the bulk of the areas of the districts of Gohilwad, Halar and Madhya Saurashtra, sizeable portions of Sorath and some portion of the Zalawad district. The Goradu soil with its innumerable varieties of loam, sandy loam, etc. predominates in the Zalawad and parts of the Sorath districts.

The courses of important rivers, the suitability of sub-soil water and the adequacy of rainfall are important determining factors of fertility and the land utilization. The alluvial river-beds are most fertile. Although they cover soils of more than one type and shade, these lands have been uniformly, systematically and intensively exploited. The same applies practically to the areas having satisfactory rainfall. Further, there are Khar lands mainly found in the coastal regions. Where the sub-soil is very shallow, there are areas of brackish water. They present a problem of reclamation of Khar lands quite similar to the one found in Broach, Surat, etc. in the Bombay State.⁶

It is significant to note⁷ that for the most part, the soil is rugged and stony with the result that it cannot hold the rain-water for long. This feature requires frequent rains in moderate doses for agriculture to thrive. When the rainfall is unseasonable, cultivation becomes practically impossible.

Kutch is a tract of small extent and little fertility. Water is scarce and is often saltish. The soil is either generally rocky or sandy and the portion that is cultivated though superior to that of Saurashtra is insufficient to support its scanty population.⁸ The conditions so described by Mr. Elphinstone in his Minute of 1821 still hold good generally even after more than 100 years.

7. Crops:

The character of the soil, *inter alia*, largely determines the nature of the crops grown in a particular area and the character of crops whether food or non-food crops determines the rate of land revenue assessment. The importance of the character of the crops was recognised long ago, as the crop factor was one of the several factors to be taken into account in framing the groups of villages for fixing assessment. In the revised procedure of the settlement incorporated in the Land Revenue Code on the recommendations of the Taxation Enquiry Commission, the basis of future revision settlements is not to be the general economic conditions and the rental values but the nature of the crops and the yield of such crops. This change in the settlement basis has invested crops with an added importance.

⁶ For the Khar lands of the Bombay State, the Bombay Khar Lands Act, 1948, has been passed. Such lands are reclaimed under its provisions which prescribe popular as well as Government contributions towards the cost of schemes.

⁷ *The Economic Survey of Saurashtra* (1953), p. 5.

⁸ *The Bombay Gazetteer*, Vol. V, Appendix B, p. 255.

It is, therefore, necessary that the crop-pattern of the regions should be studied.

It would be proper to divide the crops into food and non-food varieties.

As regards the crops in Maharashtra, the main food crops are juwar, bajri, rice, wheat and maize; whereas the non-food crops are cotton, tobacco and oil seeds, such as groundnuts. It will appear from Appendix B that in the Konkan and the Deccan, the non-food crops have increased at the cost of food crops particularly in the Deccan during 1952-53. The net cropped area in the Konkan has increased by 1.8 per cent whereas it has decreased by 1.4 per cent in the Deccan.

Juwar is extensively grown in the plateau tracts of Maharashtra in the black soil regions of the Bhima, the Godavari and the Krishna. In the Girna basin, this crop stands second to bajri. It is widely cultivated in the alluvial low-lands of East and West Khandesh.

Bajri is mostly raised in those areas of inferior soils where juwar is not usually grown. It is mainly grown in the Nasik district and the southern portions of the two Khandesh districts.

Rice is heavily cultivated in the Konkan and the other coastal strips. The Navapur region of West Khandesh, Western Nasik, the Mawal tract of Poona and Satara belong to the rice-producing belt.

Wheat is a *rabi* crop. As a dry crop, it grows best on deep black soil in Khandesh and Ahmednagar. A fine variety of hard wheat is grown in the elevated plateau of Parner taluka as a dry crop and is famous all over the Deccan. Irrigated wheat is raised in the Deccan.

Maize is grown often for its fodder. It is mainly grown in Sholapur, Satara and West Khandesh.

Amongst the oilseeds, groundnut occupies the largest acreage of oilseeds. The important centres of cultivation are East Khandesh, Satara and Sholapur.

Cotton as grown in the Deccan represents a fairly low quality of staple. It is cultivated in Khandesh, Nasik and Ahmednagar.

The information about the acreage of land under different crops is shown in Appendix B.

The main food crops of the old Gujarat are bajri, juwar, rice, wheat and maize. The chief pulses grown are gram, mag. math, adad. As regards oilseeds, we have groundnuts, sesamum and castor seeds. As regards non-food crops, we may take cotton, tobacco and oilseeds.

Bajri is the most important food crop which is grown mostly in the northern district of Gujarat. It occupied 27,894 acres in 1952-53. Next in the acreage comes Kharif and Rabi Juwar covering an area of 20,270 acres. It is chiefly grown in the Surat and Broach districts and to some extent in the western part of the Panch Mahals district. Further, *rice* is next in importance amongst the food-crops, which requires alluvial soil and heavy rainfall. To the north of Surat, rice declines in importance because of lower rainfall. In Ahmedabad and Kaira, it is however grown with the aid of irrigation. Slightly heavier rainfall in Panch Mahals makes rice cultivation possible. Its varieties are Kamod, Kolam, Jirasal, Pankhali, etc. It covered 10,748 acres in 1952-53. *Wheat* is a rabi crop. Although it is produced in western part of Broach, the Bhal and Nal portions of the Ahmedabad district are the places where there is concentrated cultivation of wheat. Its varieties are soft wheat and hard wheat. It is also grown on irrigated lands. It covered 6,401 acres. *Maize* is chiefly cultivated in Panch Mahals and north-eastern border of Sabar Kantha district. It covered an area of 5,020 acres.

As regards *non-food crops*, cotton, groundnut and tobacco covered 17,986, 6,170 and 1,642 acres respectively in 1952-53. *Cotton* is grown in southern Gujarat from the Ambika river in Surat district to the north of Broach producing 'Broach deshi' cotton and in the northern Gujarat in Ahmedabad and Kaira producing varieties called 'Lalio', 'Vagad' and Rozi'. It is grown in Panch Mahals and Sabar Kantha districts also. Among the oilseeds, groundnut occupies the largest acreage. It is a Kharif crop.

The information about the food and non-food crops in Gujarat for the year 1952-53 is given in Appendix B. It shows that in the case of food crops, there was a considerable increase in cultivation at the cost of the non-food crops. That was due to the Grow More Food Campaign started during the last war.

As regards the crops in *Saurashtra*, the *Economic Survey*^{*} has revealed that the crop-patterns of Gujarat and Saurashtra

^{*} C. N. Vakil: *Economic Survey of Saurashtra* (1953), pp. 33-34.

are broadly similar, but vary widely in detail. Jowar and bajri are the important cereals in Saurashtra occupying 60% of the area as against 68% under all food-crops. In Gujarat, these two crops alone account for only 48% of the cultivated land, while the area under foodgrains is 75% of the aggregate. Wheat and rice are not important crops in Saurashtra because they respectively occupy only 4% and 1% of the cultivated area. For all practical purposes, the region may be regarded as a predominantly *millet-growing region*.

As regards the *non-food crops*, cultivation of oilseeds predominates in the region followed closely by that of cotton. Oilseeds occupy about 19% of the cultivated area as compared to 10% in the Indian Union and the Bombay State and 8% in Gujarat. Cotton is cultivated over a little more than 12% of the land, while sugarcane cultivation is important in patches having irrigation facilities.

As regards the district pattern of crops, nearly 53% of the area under cotton is concentrated in Zalawad, while 55% of the area under sesamum and 73% of the lands under barley are confined to the Gohilwad district alone. Groundnut cultivation predominates in Madhya Saurashtra, as 38% of the total groundnut acreage is concentrated in that district.

The cultivation of crops appears to be mainly guided by the availability of irrigation facilities and suitability of soils.

As regards the crops in Kutch, bajri, wheat and pulse are the main foodcrops. Rice is conspicuous by its absence. Among the non-food crops, cotton and groundnut are the main crops.

The cropping in *Berar* is akin to that of south and south-west India, i.e. Bombay, Hyderabad, Mysore, etc. Madhya Pradesh grew every crop that is grown in India.

In respect of acreage, Madhya Pradesh assumes a great importance in India in linseed, cotton and juwar in the order mentioned. In juwar, Madhya Pradesh shares about 14 per cent, in rice about 10 per cent and in wheat about 11 per cent and in cotton 20 per cent of the total area under these crops in India.

Rice occupies the maximum area in the region amounting to nearly one-fourth of the cultivated area, followed by juwar, cotton and wheat. Nearly 66 per cent or two-thirds of the cropped area is under food crops, whereas half of the remain-

ing one-third is under cotton, which is the main commercial crop of Vidarbha.

The principal crops in *Marathawada* consist of juwar, bajra, wheat, cotton, linseed and pulses. The staple food of the people of the area consists of juwar, bajra and to some extent wheat. Large quantities of chillies are also grown.

Here, only two types of crops are grown, *rabi* and *kharif*, which depend on the rainfall. Cotton is extensively grown in the black-soil districts.

For the year 1952-53, the areas covered by different crops in that region were as under:¹⁰

<i>Kind of crop</i>	<i>Area in lakhs of acres</i>
Juwar	92.10
Rice	12.77
Pulses	48.18
Groundnuts	22.17
Castor-seed	8.08
Cotton	28.56
Sugarcane	0.90
Gross cropped area	277.57

The above statistics show that among the food-crops, juwar and pulses occupy large area, whereas amongst non-food cash crop areas, cotton and groundnut cover a considerable area.

According to the *Handbook of Statistics of the Reorganised Bombay State* (pp. 12-13), the area under major groups of crops during 1953-54 and 1954-55 was as per table on p. 22.

The area under food-crops in the new State would be 68.2 per cent of the total cultivated area as against 79.8 per cent in the Indian Union. The new State would have 37.7 per cent of the area under groundnuts and 50 per cent of the area under cotton in India. These percentages show the importance of these cash crops in the new State.

8. Forests:

Forests are instruments of human welfare in that they increase the relative humidity of the air, assist in regulating the water supply by reducing the violence of floods, reduce the

¹⁰ *The Hyderabad Government Bulletin on Economic Affairs*, November-December 1953.

—	Kutch	Saurashtra	Bombay (excluding Karnatak districts)	Marathwada	Vidarbha	Reorganised Bombay State
Area under Major Groups of Crops :						
1. Cereals and pulses	680	4,314	24,430	7,815	7,246	44,485
2. Sugar crops	1	21	188	22	6	238
3. Fruits and vegetables	7	22	269	134	69	501
4. Condiments and spices	1	42	245	4	97	389
5. Miscellaneous food-crops	..	..	7	71	1	79
6. Total food-crops	689	4,399	25,139	8,046	7,419	45,692
7. Oilseeds	53	2,449	3,330	1,821	886	8,539
8. Cotton and other fibres	128	1,239	3,735	2,039	3,417	10,558
9. Drugs and Narcotics	..	4	230	3	..	241
10. Fodder crops	200	147	3,534	8	13	3,902
11. Miscellaneous non-food-crops	45	..	100	5	..	150
12. Total non-food-crops	426	3,839	10,929	3,876	4,320	23,350
13. Total area under crops	1,115	8,238	36,068	11,922	11,739	69,082

velocity of winds, protect the adjoining fields against hot dry winds and shifting sands along the sea-coast and finally increase the scenic beauty of the country. In short, they attract rains and regulate the elements of Nature. They are both protective and productive. In view of these facts, the importance of forests cannot be over-emphasized.

The geographical distribution of forests is mainly controlled by relief and climate and partly by the nature of the underlying soils. It is clear from the topography of the Gujarat region that the southern and the eastern hilly tracts have good forest resources because those areas receive good rainfall. As a result, the forests are found in Songadh, Vyara, Dharampur and Bansda in the Surat district, Rajpipla in Broach, Chhota Udepur and the Sankheda Mewas in the Baroda district, Deogadh Baria, Sant, Lunawada and Jambughoda in Panch Mahals and the eastern talukas of Sabar Kantha. The total area covered by those forests comes to 15,21,100 acres covering 7.4% of the total area of the Gujarat region.

In Saurashtra, the percentage of forest area to the total area of the State was 4.3 in 1950-51.^{10a} The bulk of the forest is confined to the former Junagadh State. In an area with low rainfall, the bulk of which is confined to 4 or 5 weeks of the monsoon, the existing proportion of forests, ill-distributed as it is, is well below the critical point. The situation is further complicated by a long sinuous coastline (550 miles), high winds and encroachment of sea winds. For protection of the forests, the Indian Forest Act of 1927 requires to be applied. Shri Chaturvedi has entered a caveat that unless its vegetal defences against the forces of Nature are rapidly restored to the soil, an inexorable fate awaits Saurashtra.¹¹

There are some forest areas in Kutch. In that region, the necessity of afforestation is the greatest more from the protective than productive point of view.

In Maharashtra, the whole region of the Sahyadris is mostly covered with forests of good quality. In the northern part of the Ratnagiri district, the forest cover deteriorates due to extension of the laterite and heavy destruction of the forests

^{10a} M. D. Chaturvedi, Inspector-General of Forests to the Government of India's Report on the Forests of Saurashtra (1953), p. 5.

¹¹ Ibid.

in the past. But in further north in Satara, Poona and Kolaba, the area under forests is substantial but the quality of the forest produce is poorer than that in Kanara. In the northern end of the Sahyadris, the forest cover is extensive particularly in the Dangs. The north-eastern parts of Nasik, Western and Northern parts of West Khandesh belong to the forest zone.

In *Vidarbha*, the forests may be broadly divided into the following categories:—

- (1) Government forests reserved and unreserved under the direct management of Government.
- (2) Village forests in Government-owned villages such as ryotwari in the Central Provinces, Khalsa in Berar and the State-owned villages in the merged territories.
- (3) The village forests in the former proprietary villages which were under the control of the proprietors.

The forests of category (3) were vested in Government under the Madhya Pradesh Abolition of Proprietary Rights (Mahals, Estates, Alienated Lands) Act, 1950. About one crore of acres of the village forests have vested in Government under this Act. Since the war, however, the proprietors ruthlessly exploited those forests with the result that on their vesting in Government in 1951, they are not likely to yield revenue for some time to come. These forests are likely to be required for the nistar¹² of the villagers. The important forests are being managed by the Forest Department and the others of less importance are managed by the Revenue Officers with the assistance of patels. It is intended that the nistari forests should in future be managed by the Gram Panchayats and where there is no Gram Panchayat, by a Gram Sabha constituted for the village management.

In *Marathawada*, the forests are classified into (1) reserved, (2) protected, and (3) open or unprotected. The forests are not equally distributed. Osmanabad and Bhir have no forests at all. The Marathawada districts are far less wooded than the Telangana tract.

In the new State, the areas under different categories of forests during 1954-55 were as under:

¹² Nistar means the long-standing recognised customs entitling villagers to take forest produce such as fuel, timber, grass, etc. for domestic uses.

		Kutch	Saurashtra	Bombay (excluding Karnatak districts)	Marathawada	Vidarbha	Reorganised Bombay State
Area under :							
Reserved Forests ('000 acres)	..	..	362	6,067	7,587	N.A.	..
Protected Forests	..	126	..	681	79	N.A.	..
Other Forests	..	..	285	2,072	44	N.A.	..
Total area under Forests	..	126	647	8,810	7,710	7,204	24,497

Thus, the total area under the forests in the new State would be 24,497,000 acres.¹³ This area would be 14.5 per cent of the total area of the State as against 13.5 per cent in the Indian Union. The new State would account for 15.8 per cent of the total area under forests in India.

9. Irrigation:

We have seen that the rainfall in the entire State is irregular, precarious, scanty and undependable. The remedy against the vicissitudes of seasons lies in giving an assured water supply to the cultivators all the year round. Large tracts are affected by scarcity conditions. Irrigation works are both protective and productive. Viewed in this context, the importance of irrigation cannot be over-emphasized.

In *Gujarat*, there were no large storage works. The major irrigation works consisting of dams and canals were undertaken in the Deccan which consequently receive a perennial supply of water. In the absence of big storage works in Gujarat, the lands could be irrigated by seasonal water supply only. To the demand for large storage works for perennial irrigation the Visvesvaraya Irrigation Enquiry Committee of Bombay (1938) had replied that "considering the meteorological conditions

¹³ *The Handbook of Statistics of the Reorganized Bombay State* (1956), p. 22.

and the existing high intensity of cropping without irrigation in this region, it is a matter of doubt whether the increase in the value of crops raised and the revenue expected would justify the outlay".¹⁴ The fundamental reason for absence of big irrigation works, however, was that the storage sites for construction of dams on the Gujarat rivers were in the former princely States, which were reluctant to allow such constructions in their areas. For this reason, no major works could be taken up in Gujarat before Independence. The major and minor works came to be taken up only during the last ten years under the Grow More Food Schemes and the Five-Year Plans.

It is significant to note that in comparison to the Deccan area, the Gujarat area is plain and the rivers have narrow gorges, which make construction of dams very economic. Further, the soil being generally without rocks, no rocks or stones are required to be cut in constructions of canals. Lastly, the areas likely to be submerged are mostly forest areas and the least cultivable area. In short, the construction of big storage works like the Ukai and the Narmada projects will be a paying proposition.

In 1951, out of the total culturable area of 1,50,59,284 acres, the irrigated area was only 1,25,455 acres, i.e. .08% only.

The present and prospective projects—major, medium and minor—for the old Gujarat region are set out below:

Gujarat		(Rs. in lakhs)	
Name of the Project	Total cost	Area likely to be irrigated (seasonal)	Expenditure upto 1955-56
1. Mahi Right Bank Canal ..	886.00	4,47,000	404.00
2. Kakrapara ..	1101.00	5,62,000	715.20
Total ..	1987.00	10,09,000	1119.20

New projects to be taken up in the Second Five-Year Plan in Gujarat are as follows:

¹⁴ *The Report of the Bombay Irrigation Enquiry Committee, 1938, p. 10.*

Name of the Project	Total cost	Five-year Cost (1956-61) (Rs. in crores)	Area likely to be irrigated (seasonal) (in acres)
1. Mahi (Kadana Reservoir) Project ..	13.10	6.00	7,51,000
2. Sabarmati Project ..	13.12	3.00	3,94,000
3. Narmada Project ..	25.00	4.00	11,57,160
4. Banas River Valley Project (Dantivada) ..	7.37	3.00	1,20,000
Total ..	58.59	16.00	24,22,100

Medium Irrigation Projects

Name of the Project	Districts benefited	Estimated cost (in crores)	Area likely to be irrigated (acres in thousands)	Cost per acre
		Rs.		Rs.
1. Saraswati River Scheme ..	Mehsana	1.50	45.0	330
2. Hathmati Reservoir ..	Sabarkantha	1.50	79.6	262
3. Shetrunji ..	Amreli	1.20	19.0	630
4. Shamlaji ..	Kaira & Sabarkantha	1.00	26.4	400
Total ..		5.20	170.0	1,622

The Mahi Right Bank Canal Project is likely to irrigate an area of 4,47,000 acres in the Kaira district. The canal when completely excavated is likely to carry discharge of 7,000 cusecs.

The Kakrapara scheme consists of a weir at Kakrapara on the Tapti river and canal in the Surat district. The project is expected to irrigate an area of 6,52,000 acres of purely monsoon crops in the Surat district. A provision of Rs. 7.5 crores for the multi-purpose scheme of Ukai has also been made.

¹⁵ Revised Second Five-Year Plan [1956-57 to 1960-61—Bombay State—Outline—Volume I (1955), pp. 32-33].

Minor irrigation projects consist of a large number of tanks and bandharas. Out of them, the big ones have been classified as first class minor irrigation works and are under the control of the Public Works Department. The smaller ones are classed as second class irrigation works and are under the control of the Revenue Department.

The main irrigated crops are rice, jowar, wheat, bajri, groundnut, tobacco, cotton and sugarcane. The last four may be classed as commercial crops. The percentage of irrigated area to the percentage of the total cultivated area works out to 4.3 for the year 1952-53.

The Bombay Irrigation (Amendment) Act, 1950, provides for the levy of betterment charges and irrigation cess. The betterment charges are to be levied on new irrigation works completed after 1950 and on existing irrigation works which are either improved or extended after 1950. Such charges will be equal to half the increase in the value of the land due to the construction of a new canal or the extension or improvement of an existing canal. They are payable either in lump sum or in annual instalments not exceeding 20 in number together with interest thereon.

Irrigation cess is levied at different rates for different crops and is to be recovered from cultivators in the case of lands coming under the command of a canal irrespective of the fact whether the facility of irrigation which is available to them is made use of or not.

MAHARASHTRA

In the First Five-Year Plan, three major irrigation projects were undertaken in Maharashtra, viz. the Gangapur, Ranand and Kolchi estimated to cost Rs. 313, Rs. 23 and Rs. 34.50 lakhs, respectively. These along with such projects in Gujarat and Karnatak are expected to irrigate an area of 2,94,800 acres of land by the end of 1955-56 and an area of 13,23,650 acres on completion during the Second Five-Year Plan.

In addition to the above, the following four new projects are proposed to be undertaken during the Second Five-Year Plan:

Name of the Project	Total cost	Five-Year cost	Area likely to be irrigated
	(Rs. in crores)		(Seasonal) (in acres)
1. Vir Dam Project ..	4.61	4.50	1,43,000
2. Khadakvasla Project ..	11.82	4.00	2,04,000
3. Mula Project ..	8.39	3.00	2,04,000
4. Girna Project ..	8.08	5.50	1,84,000
Total ..	32.90	17.00	7,35,000

The following medium irrigation projects are included in the Second Five-Year Plan:

	Total cost	Area
1. Gangapur Storage Stage II ..	1.70	35,000
2. Varna Project ..	1.60	74,000
3. Kurnur tank ..	2.60	28,000

All these schemes, except the Gangapur one, will provide seasonal irrigation; but in the Gangapur project, there will be both perennial and seasonal irrigation.

SAURASHTRA

As stated before, the rainfall in Saurashtra is inadequate, uncertain and irregular. Irrigation farming has to be pursued as far as possible. According to the *Economic Survey of Saurashtra in 1952-53* (p. 58), the extent of the irrigated area was only 5% of the net cultivated area in the State. There are a few inherently adverse factors in the region which by their very nature limit the area under irrigation. To begin with, the rivers rise from within the territory and from sources which are not perpetual water feeders. They dry up soon after monsoon. The waters of these rivers could be impounded by construction of dams. Secondly, the limited progress before integration was due to the conflicting approaches and interests of the various States, which viewed such projects from the revenue-earning capacity rather than from their protective and development value. Thirdly, the scanty rainfall and limited sub-soil water reserves condition the use of wells for irrigation.

As a result, soon after the integration, the State Government took up the irrigation projects in right earnest and the progress

of such works is remarkable. The works which have been completed, which are in progress, which are to commence in near future and which are under consideration of Government are stated below:

A. Schemes which are completed

S. No.	Scheme	Estimated cost (Rs. in lakhs)	Area likely to be irrigated (in acres)	
1	2	3	4	
1.	Raghola ..	61.50	10,000	} Completed during the First Five-Year Plan period.
2.	Brahmani ..	90.86	27,000	
3.	Surajwadi ..	34.61	3,000	
4.	Bhimdad ..	22.61	3,000	
5.	Ghee ..	22.60	3,500	

B. Schemes in progress

(1)	(2)	(3)	(4)	
1.	Machchhu * ..	124.60	22,000	*Expected to be completed during the First Five-Year Plan.
2.	Moj ..	81.00	15,000	} Work of bunds is completed.
3.	Sasoi ..	76.00	9,300	
4.	Puna ..	19.00	1,500	
5.	Malan ..	41.90	5,600	
6.	Aji ..	80.00	6,400	
7.	Bhogavo ..	50.00	4,200	
8.	Ozat-Uben ..	50.00	15,000	
9.	Gondali ..	21.5	3,300	
10.	Munjiasar ..	46.00	4,200	
11.	Hiran ..	51.00	6,465	} The work which commenced in the First Five-Year Plan will be completed in the Second Five-Year Plan.
12.	Rawal ..	11.00	5,000	
13.	Machchhundri ..	20.08	5,000	

C. Schemes to be commenced in the near future

(1)	(2)	(3)	(4)
1.	Shetrunji ..	425.00	1,00,000
2.	Bhadar ..	400.00	90,000
3.	Demi ..	40.00	6,000
4.	Sakroli ..	24.88	3,100
5.	Bhogavo No. 2 ..	50.00	5,000
6.	Limdi Bhogavo ..	30.00	4,000
7.	Ghelo ..	21.00	3,600

D. Schemes under consideration of Government

(1)	(2)	(3)	(4)
1.	Machchhu No. 2 ..	150.00	30,000
2.	Fuljar No. 2 ..	30.00	5,000
3.	Vartu ..	50.00	6,000
4.	Sapda ..	15.00	2,500
5.	Suag ..	15.00	2,500
6.	Goma ..	30.00	5,000
7.	Rojki ..	26.00	3,500
8.	Shingwada ..	70.00	15,000
9.	Malan-Sorath ..	30.00	5,000
10.	Dhatarwadi ..	30.00	5,000

The above facts show that rapid progress is being made for construction of the irrigation projects and bringing more land under irrigation in the region.¹⁶

KUTCH

Irrigation is the most important activity in the agricultural development of Kutch. Several major and minor works¹⁷ have

¹⁶ These statistics are extracted from the Khedut Diary of Samvat 2012 published by the Saurashtra Government.

¹⁷ Kutch in 1957 published by the Kutch Government (1953), p. 9.

already been under construction or consideration. Among the major works, the Planning Commission has already recommended the following works:

<i>Works</i>	<i>Estimated cost in lakhs of rupees</i>
Gajod	12.56
Sanandhro	11.63
Kankavati	16.51
Kaila	14.24

Rs. 54.94 : 55 lakhs.

Amongst the minor works so recommended by the Planning Commission, the following works are the main projects:

Fulra	...	3.89
Vengdi	...	6.24
Sarguala	...	4.52
Lilpur No. 2	...	3.28
Chhasara	...	6.02
Badargadh	...	5.96
Balapur-Buladro	...	6.09

Rs. 36 lakhs

The total cost on the major and minor irrigation works during the Plan period will be Rs. 91 lakhs. The information about the total area these schemes are likely to irrigate is not available.

VIDARBHA

In *Madhya Pradesh*, irrigation has not developed to the extent desirable. The percentage of the area irrigated to the cultivated area is only 7 against 5 per cent in Bombay.¹⁸ Agriculture has, therefore, to depend on the vagaries of monsoon. In the cotton-juwar tract of Vidarbha, irrigation is mostly limited to wells and the crops that are grown under irrigation are commercial and garden crops. The staple crops of cotton and juwar are not irrigated at all and are totally dependent on the south-west monsoon.

The Irrigation Commission considered the possibilities of irrigation in 1902. It held that the rice tracts in Bhandara, Nagpur, Chanda, etc. were the best fields for irrigation. Canals have been constructed in the districts of Bhandara and Chanda

¹⁸ *The Report of the Agriculture Policy Committee of Madhya Pradesh* (1951), p. 135.

and storage works have also been completed. For wheat irrigation, the Ramtek reservoir in the Nagpur district is very important. Major irrigation works had to be dropped in the past due to financial stringency.

A large number of village irrigation tanks have vested in Government under the Madhya Pradesh Abolition of Proprietary Rights Act, 1950, and most of the tanks, if developed, would serve as an insurance against scarcity in future.

Most of the irrigation schemes are at present being financed from the funds obtained on loan from the Government of India, which sanctions such loans for works which are only productive.

MARATHAWADA

The *Marathawada* tract being composed of black soil, there is not much necessity for irrigation as in Telangana. The black soil has power to retain moisture, which is supplemented during the cold season by a copious deposit of dew which supplies moisture sufficient for their growth and maturity.

Besides tanks and Kuntas (ponds), irrigation is carried on by wells, canals and anicuts in certain districts. The water from Government tanks is utilized for irrigating the 'wet' lands which pay water tax.

During 1952-53, the position about the areas irrigated by different sources in the State was as under:¹⁹

<i>Source of supply</i>	<i>Areas in thousand acres</i>
Government canals	214.5
Private canals	5.4
Tanks	598.6
Wells	592.8
Other sources	26.4
Total irrigated area	1437.7

As regards the irrigation²⁰ projects in Marathawada, the Khasapur project in the Osmanabad district which is constructed at a cost of Rs. 52,62,000 is expected to irrigate 13,500 acres of land in 12 villages in the Parendra taluka which is frequently

¹⁹ *The Hyderabad Government Bulletin on Economic Affairs*, November-December 1953.

²⁰ The information about the projects is abstracted from the *Hyderabad Govt. Bulletin on Economic Affairs*, November-December 1954, pp. 522-23.

ravaged by famine on failure of rains. The Bendsura project in Bhir is constructed at a cost of Rs. 62,80,000. Further, the Bendsura project and the Khasapur project have already brought 22,800 acres of land under irrigation in Marathawada.

Out of the 15 minor irrigation projects under the First Five-Year Plan, 11 projects costing about Rs. 3 crores have been allotted to Marathawada. All these 11 minor works have brought under irrigation 44,000 acres of land before the end of the First Five-Year Plan.

The Purna major irrigation and hydro-electric project included in the First Five-Year Plan is expected to cost Rs. 7 crores and to irrigate 1,20,000 acres of land.

In the Second Five-Year Plan, 26 irrigation works at a cost of Rs. 2 crores and 89 lakhs likely to irrigate 24,43,000 acres of land in Marathawada are included for execution.

In the reorganized State, the information regarding area irrigated by different sources in the constituent areas during 1954-55 is tabulated below:

	Kutch	Saurashtra	Bombay State (excluding Karnatak districts)	Marathawada	Vidarbha	Reorganised Bombay State
Area ²¹ irrigated by sources:						
1. Govt. Canals	14	24	425	4	98	565
2. Private Canals	..	..	56	..	..	56
3. Tanks	2	11	62	11	428	514
4. Wells	83	321	1,290	260	9	1,963
5. Other Sources	..	1	71	5	17	94
6. Net irrigated area ..	99	357	1,905	279	632	3,272
7. Gross irrigated area ..	145	406	2,198	346	634	3,729

²¹ *The Handbook of Statistics of the Reorganised Bombay State* (1956), p. 18.

The percentage of the irrigated area to the total cultivated area in the new State would be 5.6 as against 17.3 per cent for the Indian Union.

10. Land Utilization:

In the background of the several factors affecting the land problem stated above, the question of the land utilization in the different regions requires to be considered.

The land utilization in the *Gujarat* region was as under for the year 1952-53:²²

	In hundred acres	Percentage
I. Total geographical area ..	2,04,926	100
II. Uncultivated land :		
(a) Forests ..	15,211	7.4
(b) Area not available for cultivation being put to non-agricultural use ..	4,026	1.9
(c) Other uncultivated land ..	23,461	11.4
(d) Permanent pastures and other grazing lands	9,812	4.7
(e) Lands under misc. tree crops and groves not included in the area sown ..	1,823	.87
(f) Cultivable waste ..	8,088	3.9
III. Cultivated land :		30.17
(a) Current fallows ..	3,603	1.2
(b) Other fallow lands ..	8,064	3.9
(c) Net area sown ..	1,30,838	63.8
		68.9
Area sown more than once ..	5,078	3.8*
Gross cropped area ..	1,35,916	66.3
Irrigated area ²³ ..	9,012	6.8*

* Percentage to net cropped area.

It will be seen from the above that 26.2% of the area is not available for cultivation. 9.0%²⁴ of the area covering 19,75,500 acres is available for cultivation in the whole of the Gujarat districts.

The cultivated land takes up about 69% of the total land of Gujarat of which 5.1% constitutes the fallows. The smallest

²² *Vide the Season and Crop Report of the Bombay State for 1952-53 (1956)*, pp. 44-47 (*vide* Appendix C).

²³ *Vide the Season and Crop Report of the Bombay State for 1952-53 (1956)*, p. 58.

²⁴ II(f) and III(a) and (b)=9%.

proportion (3.9%) is found in the case of cultivable waste land. Forests account for 7.4% of the total area. The percentage of the irrigated area to the net cropped area is only 6.8%. The distribution of land between two principal groups, viz. the cultivated and the uncultivated land does not show any wide fluctuations from year to year. But there are very wide fluctuations in the distribution of land among sub-groups of the two groups.

The land utilization varies in different regions. The two coastal districts of Broach and Surat have a high proportion of cultivated area, have practically no forests except some areas of the former States merged therein, but the area under cultivable waste is comparatively greater. There is a great diversity in the crops produced. Amongst those crops, rice, wheat and cotton occupy an appreciable area. Being in the agricultural interior, Kaira and Ahmedabad have a high proportion of cultivated area, have practically no forests and very small area of cultivable waste. These districts have a greater variety in the crop-pattern ranging from jowar, wheat, cotton to pulses. Bajri (millet) is an important crop in Ahmedabad and rice in Kaira. Orchard produce is a speciality of Kaira.

Panch Mahals, Sabar Kantha and Banas Kantha belong to the north-eastern hill regions. There the proportion of forests and of cultivable waste is greater. Although several crops are produced, Maize is produced in abundance in Panch Mahals particularly.

As regards *Maharashtra*, the position regarding land utilization for the year 1952-53 ²⁵ was as under:

	In hundred acres	Percentage
I. Total geographical area ..	3,52,630	100
II. Uncultivated land :		
(a) Forests ..	78,073	22.1
(b) Area not available for cultivation being put to non-agricultural use ..	4,191	1.18
(c) Other uncultivated land ..	30,725	8.7
(d) Permanent pastures and other grazing land	11,747	3.3
(e) Lands under misc. tree crops and groves not included in the area sown ..	3,837	1.08
		<hr/> 36.36
(f) Cultivable waste ..	17,661	5.0

²⁵ Vide Appendix C.

				(In hundred acres)	Percentages
III. Cultivated land :					
(a)	Current fallows	..	..	10,306	2.9
(b)	Other fallows	..	..	17,487	4.9
(c)	Net area sown	..	..	1,78,603	50.6
					58.4
	Area sown more than once	..	..	8,636	4.8*
	Gross cropped area	..	..	1,87,239	53.09
	Irrigated area	..	..	10,489	5.8*

* Percentage to net cropped area.

It will be seen from the above statistics that 36.36 per cent of the area is not available for cultivation. 12.8 per cent of the area covering 45,45,400 acres is available for cultivation in the whole of Maharashtra.

The cultivated land takes up about 58.4 per cent of the total land of Maharashtra of which 7.8 per cent constitutes the fallows. The cultivable waste works out to 5 per cent. Forests account for 22.1 per cent of the total area. The percentage of the irrigated area to the net cropped area is only 5.8.

Land utilization varies in different districts. In Ratnagiri, Kolaba and Thana, substantial portion of the land is under forest. In the cultivable area of the coastal zone, proportion of land under fallows is high. Culturable waste is negligible and in Ratnagiri practically non-existent. Area under "*area not available for cultivation*" is greater in Ratnagiri, Kolaba and Thana districts. Rice is the major crop of this zone; ragi stands second. Rice is a leading crop in Ratnagiri and Thana. Oilseeds are also grown in this region.

The area of Nasik, Poona and Satara belongs to the transitional zone where the western margins are mostly covered with forests. The forest cover in the Nasik district has the largest area in the region.

West Khandesh belongs to the transitional zone. In this zone, bajri is a leading crop in Nasik and Poona, while a substantial area is under this crop in West Khandesh and Satara. Poona and Satara produce juwar. In all the districts of this region, rice is produced. Pulses, oilseeds, cotton and wheat are also grown.

The eastern districts of Sholapur, Ahmednagar and East Khandesh account for a good proportion of the total State area

but its economic significance is handicapped by the large proportion of valleys. Area under forest is practically absent in the Sholapur district. Juwar is the leading crop in the southern districts of Ahmednagar and Sholapur. Bajri is produced in Sholapur and cotton in West Khandesh. All these districts produce pulses and oilseeds. Production of wheat is, however, restricted to Ahmednagar district.²⁶

In *Saurashtra*, the land utilization is reflected in the classification of the areas made in the year 1950-51:

		Area in hundred acres	Percent- age
1. Total area of the State	...	1,34,400	100
2. <i>Uncultivated land</i> :			
(a) Forests	...	5,760	4.3
(b) Area not available for cultivation	...	42,880	32.0
(c) Other uncultivated land		17,160	13.0
			49.3
3. <i>Cultivated land</i> :			
(a) Current fallows	...	850	0.6
(b) Net area sown	...	67,750	50.0
			50.6
Area sown more than once	...	3,000	*4.4
Gross sown area	...	70,750	—
Irrigated area	...	3,330	*4.9

* Percentage to net cropped area.

The cultivated land takes up 50.6% of the total land of *Saurashtra* of which 0.6% constitutes the current fallows. Forests account for 4.3%. This shows that for agricultural production, more lands are not available in *Saurashtra*. Intensive cultivation by increased irrigational facilities and mechanized methods of agriculture is the only means of stepping up agricultural production.

In Kutch, 4 lakh acres of cultivable waste lands are available.²⁷

For the reorganised State, the statistics for land utilization during 1954-55 are as under:

²⁶ *The Statistical Atlas of Bombay State* (1950), pp. 14-15.

²⁷ 'Kutch in 1957' published by the Kutch Government (1953), p. 3.

	Kutch	Saurashtra	Bombay (excluding Karnatak districts)	Maratha- wada	Vidarbha	Reorganised Bombay State
Land Utilisation :						
1. Total geographical area ..	10,864	12,317	57,320	15,902	23,641	120,044
2. Area under Forest ..	127	772	7,679	568	7,204	16,350
3. Barren Land ..	8,021	1,000	6,012	210	622	15,865
4. Land put to non-agricultural uses ..	277	501	841	436	1,018	3,073
5. Culturable Waste ..	250	452	2,416	187	729	4,034
6. Land under tree crops and groves ..	11	20	452	31	302	816
7. Permanent pastures and grazing grounds ..	544	984	2,294	748	1,527	6,091
8. Current fallows ..	563	274	1,254	1,230	215	3,536
9. Other fallows ..	..	170	2,189	1,032	751	4,142
10. Net area sown ..	1,070	8,144	34,183	11,562	11,273	68,232
11. Gross cropped area ..	1,115	8,238	36,068	11,922	11,739	69,082

The area under cultivation in the new State would constitute 55 per cent of the total area of the State as against 43.5 per cent of the total area in the Indian Union. The *per capita* area under cultivation would be 1.38 acres as against .83 acre in India. The area under cultivation in the new State would constitute 22.3 per cent of the total cultivated area of the Indian Union.²⁸

11. *Approach to the Land Problem:*

Government has accepted as an objective of economic policy the achievement of a socialistic pattern of society. This postulates that the basic criterion for determining the lines of future development is not private profit but social gain. This also implies that exploitation of the underdog and the underprivileged should end as early as possible. The benefits of economic development should accrue more and more to the relatively less privileged classes of society and there should be a progressive reduction of the concentration of incomes, wealth and economic power. As envisaged²⁹ by the Second Five-Year Plan, the problem is to create a milieu in which the small man, who has so far had little opportunity of perceiving and participating in the immense possibilities of growth through organised effort, is enabled to put in his best in the interests of higher standard of life for himself and increased prosperity for the country. The economic policy and institutional changes have to be planned in accordance with these democratic and egalitarian ideals.

The approach to the land problem is governed by the above objectives which are sought to be achieved by the State Government. In formulating the land policies, the State Government kept in view objectives of efficient agricultural production, social justice and increase in the human happiness. In order to achieve these objectives, the State Government had undertaken mainly four-fold reforms which relate to:

- (1) the rationalization of the land revenue system,
- (2) the land tenures,
- (3) the agricultural tenancy, and
- (4) the prevention of fragmentation and consolidation of holdings.

²⁸ *The Handbook of Statistics of the Reorganised Bombay State* (1956), p. 12 and the explanatory note.

²⁹ The Second Five-Year Plan (1956), p. 22.

Hitherto, the land revenue was the sheet-anchor of the State Government. Owing to the exigencies of the past administrations, the land revenue assessment was fixed on the basis of "general economic considerations" at pitches varying from taluka to taluka and from district to district. Attempts at reform of the structure of the land-tax could not succeed during the British regime. After the dawn of Independence, the rationalization of the land revenue system could be attempted in order to equalize the burden of assessment, as far as practicable by levelling down the uneven pitches of assessment and the diversification of the taxation system.

The various land tenures were the legacy of the past administrations. They were retained or created by the British as vested interests for supporting its rule. With the advent of Independence, they became anachronisms and were abolished. The reforms relating to the land tenures mainly aim at abolition of the intermediaries between Government and the tillers of the soil, the upgrading of the inferior holders to the status of occupants, the vesting in the State of the estates of the intermediaries barring certain properties such as Gharkhed (home-farm) lands, homesteads, etc., and payment of compensation to the intermediaries. The objectives aimed at are the removal of the deadweight of the intermediaries from administration and the backs of the ryots and resumption of the lands and land revenue alienated by the past administrations.

As regards the tenancy, the rents were uncertain and oppressive, the tenure was insecure and evictions were common. The customs and usages governed the conditions of tenancy. There was no law worth the name for regulating tenancy. The attempts were, therefore, made to remedy this state of affairs. The reform regarding the agricultural tenancy relates to the fixing of the fair rents, prohibition of ejectment, restrictions on letting and sub-letting, recognition or conferment of occupancy rights on certain categories of tenants on or without payment of occupancy price, compulsory purchase of tenanted lands, the placing of limits on the future acquisition of lands, etc. All these measures are attempted in order to reduce the number of tenants and to stop the exploitation of the land by non-cultivating owners on the assumption that land is an agent of production and should remain in the possession of persons who actually cultivate it.

It is well known that the Indian agriculture suffers because of the small and scattered nature of land-holdings and their

uneconomic cultivation. This state of affairs is being remedied by the reforms relating to the prevention of fragmentation and consolidation of holdings. The former is sought to be achieved by fixing the standard areas for each class of land in each district and treating any parcel of land of a size less than the standard area as a fragment. The latter (consolidation of holdings) is being achieved by compulsory consolidation of the land-ownership in respect of the dwarfed and disparate parcels of lands. The ultimate aim of these measures is to consolidate cultivation and cropping and pave the way for co-operative farming and co-operative land management of lands on the lines indicated by the Planning Commission.

Besides, the schemes for soil conservation by construction of bandhs, irrigation projects and artificial manuring of lands are undertaken in order to stop the soil erosion by the river and rain waters. Further, the national extension schemes and the community development projects are introduced to provide amenities of life and increase the social well-being of the people. All these measures have beneficial effects on the agricultural development in the State.

In short, the land reform measures aim at cutting down the tall poppies from villages and administration and reduce the exploitation of the sons of the soil by non-cultivating owners by making the tillers of the soil the owners thereof. After reviewing these measures, an attempt will be made to make a provisional assessment of the operation, progress and effects of these measures throughout the new State.

CHAPTER 2

THE LAND SYSTEM OF THE PRE-REORGANIZATION BOMBAY

From time immemorial, the land revenue has been the sheet-anchor of the State Governments in India primarily because it was the only source of stable revenue. Normally, the royal share (राजभाग) was 1/6th of the crop-share. In Bombay, the revenue survey was first introduced by Todar Mal in 1576. Lands were surveyed and settled, one-third of the estimated produce being demanded as the royal share. The payment of revenue in kind was substituted by that in cash. In the absence of a regular survey, the bhagbatai system lingered in some parts of Gujarat and became widespread with the downfall of the Moghal empire and the establishment of the Maratha rule. The revenue was farmed out to influential persons such as Desais, Amins, Patels, Deshmukhs, Deshpandes, etc. In this process, considerable pressure was brought for payment of increased land revenue and the Patels alienated portions of khalsa lands to meet the increased demand. Lands were alienated to religious and charitable institutions by the State. The various rulers such as Hindu, Muslim, Mogul, Marathas and the British were forced to build upon the foundations left by their predecessors. Thus, the present land system in Bombay is evolved from the land systems which preceded it. Before the advent of the British, Gujarat and Maharashtra formed part of the Maratha Empire under which the administration of land revenue was local in character.

The significant circumstance is that the present system arose in the Deccan and was evolved to its present position by the British. Mr. Mountstuart Elphinstone adopted the ryotwari system as evolved by Munro in Madras, and laid down for the guidance of the revenue officers the leading principles of revenue administration, viz. "to abolish farming, but otherwise to maintain the native system, to levy the revenue according to the actual cultivation, to make the assessment light; to impose no new taxes and to do away with none, unless obviously unjust, and above all, to make no innovations". Within these limitations, the revenue officers were given wide discretion in the measures to be adopted. In the initial stages after the acquisition of Gujarat and Maharashtra in 1818, attempts were made by the

British to make annual, triennial or ten-year leases for securing land revenue from villages. They, however, failed owing to (a) the lack of details about the revenue administration, (b) high assessments fixed on the basis of past collections, and (c) the considerable fall in prices of agricultural produce in the thirties of the last century. Gujarat practically groaned under the extremely heavy and unequal assessment. In order to collect details about the revenue administration, revenue surveys were carried out between 1811 and 1825. Col. Monier Williams carried out surveys in the Broach district in 1811. The work of the survey was carried out in Kaira and Ahmedabad by Captain Cruikshank and Lieut. Melvill. Those surveys contain considerable information about the revenue, social and economic condition of those districts. But they (surveys) were of little value to the administration, because they were not accompanied by a settlement of land revenue.

In the thirties of the last century, Mr. Pringle attempted settlement of the Indapur taluka (Poona district) on the theory of the net produce. As the settlement miserably failed, Government directed Goldsmid, Livingstone and another to draw up a report on the principles of the settlement of land revenue to be adopted in future. As a result, the Joint Report of 1847 was drawn up laying down the broad principles which should guide the settlement officers. It proved "a source of plenary inspiration for the guidance of the extended operations". It declared that the chief design of the revenue survey was "the regulation of the customary land tax so that it shall at once secure an adequate revenue to Government, the progressive development of the resources of the country and the preservation of all proprietary and other rights connected with the soil". Further, it clarified the objectives that *the land should be assessed in accordance with its capabilities*, thereby excluding consideration of such details as the ability to pay, caste or condition of the cultivators which formed the basis of settlement in the previous administrations. The Report laid down the fundamental principle of settlement that land revenue be settled by the system of "*Aggregate to Detail*".

According to the Report, the settlement involved three processes:

- (1) The classification of soils and the collection of data required for the determination of the demand;
- (2) the determination of the demand; and
- (3) the introduction of the settlement.

In actual settlement operations, however, the processes were distinctly divided into—

- (a) survey,
- (b) classification, and
- (c) assessment.

Survey:

To begin with, the survey operations were extended to Gujarat and the Konkan in 1851. The survey was conditioned by the geographical factors in the Deccan, the Konkan and Gujarat.

DECCAN

It would indeed be difficult to find tracts of country differing more profoundly in physical and agricultural conditions than the Deccan, the Konkan and Gujarat. The typical Deccan country is a table-land, rising on the west to the heights of the ghats where, with a shallow soil and a super-abundant rainfall, the chief cultivation of the scanty population of poor hill tribes inhabiting them is rice; further east, the country broadens out into the "Transition tract", an undulating plain of black trap or laterite soils with a fairly equable climate and sufficient annual rainfall and hence a moderately large and prosperous population. The cultivation here is mainly dry-crop with a fair proportion of irrigation from wells and *pats*. On the eastern side, though the aspect of the country is much the same as that of the Transition tract, the great uncertainty of the rainfall makes a state of scarcity chronic, with the usual result of a small population and uncertain cultivation, the latter being, as might be expected, mainly dry-crop.

THE KONKAN

No greater contrast could be presented between such conditions and those of the Konkan—the tract lying between the ghats and the sea-coast. Here the typical aspect of the country is on the coast, a low-lying stretch of country often much cut up by salt creeks and arms of the sea; further inland the district presents a very broken and irregular appearance, consisting of low tracts of cultivable soil interspersed with large stretches of barren, rocky soil called *varkas*, and still again by heights of forest-clad hills. Being exposed to the full force of the monsoon, the rainfall is certain and exceedingly heavy, the cultivation being, therefore, mainly rice in its two varieties of salt and

sweet, the former cultivated in the saline tracts near the sea and the creeks, and the latter in the talukas further inland. Garden cultivation is chiefly confined to the pockets of rich soil found near the rivers, in which are grown betel, coconuts, mangoes, etc. The rainfall being assured and the annual harvest certain, the population of these districts has always been exceedingly large and the land in consequence much sub-divided.

GUJARAT

With both the Deccan and the Konkan may be contrasted Gujarat which is a broad and, except in parts of the south well-wooded plain, absolutely flat with an alluvial soil ranging from the sandy, coarse goradu of Ahmedabad through the rich loam of Kaira to the deep black cotton soil of Broach and Surat. Here want of soil-depth is hardly ever known, as rocky substratum is non-existent. The rainfall until a few years ago was considered certain and sufficient forming a mean between Deccan scarcity and Konkan exuberance. The characteristic cultivation is dry-crop, whether bajri, jowar or cotton, with rice in the lower levels, either watered by the rainfall alone or irrigated from wells or tanks in supplement. Here also the population is very dense, certain parts of the Kaira district having a population of over 500 to the square mile.¹

As a result the surveys for the Deccan, Southern Maratha Country, the Konkan and Gujarat were practically autonomous. The varieties were pronounced particularly in the classification. The *Gujarat survey* differed from the Deccan surveys in that not more than five sub-occupancies were included in forming one single survey number and that the subordinate holdings were measured roughly. The evolution of the *pot* number took place in the Konkan.

In the Revision Settlements, the survey operations consisted of the following main operations, viz.:

- (1) the correction of the work carried out at the original settlements,
- (2) the measurements of sub-occupancies,
- (3) the splitting up of large survey numbers,
- (4) the measurement of new classes of lands, and
- (5) the correction of the survey records generally.

¹ *The Survey and Settlement Manual of Bombay*, Vol. I (1951), pp. 76-7.

The important event during the period was the wholesale destruction of the records of the Gujarat Surveys (original and revision) when the record room at Surat was burnt in 1887. The reasons for burning of the records are too well known to need repetition. The loss of the records is however a great lacuna in the Gujarat survey records. It was not feasible and expedient to undertake a complete re-survey, but the system of partial re-measurement was adopted on the basis of the village maps showing the contours and situation of the survey numbers together with the record of their areas contained in the village records.

Classification:

Unlike the survey methods, which were invariable and of universal application, the classification methods varied with physical and human factors. Subject to variations to meet local conditions, the principles embodied in the Joint Report were broadly followed. Generally speaking, the lands were classified into rice, garden and dry. There were sub-divisions in the dry land. The depth of the soil was regarded as the most important consideration. The relative value of the highest class was reckoned as 16 annas, of the second class as 14 annas, and so on, down to 2 annas. The faults such as the existence of limestone, nodules, sand, clay, excessive slope and scouring of water courses reduced the relative value of the class. Accordingly each survey field was divided into compartments, originally of one acre each, which were separately classified. The average classification of the compartments represented the classification of the field. This system came to be called the *rupee-scale of classification* which is very characteristic of the Bombay Settlements.

The lands were classified with reference to the actual conditions at that time and not with reference to what it might have been. Accordingly, all the lands in Surat were assessed at high bagayat rates by Capt. Prescott. The importance of the classification lay in the fact of intimate connection between the classification scale and the maximum rate.

In the original survey of the Dholka taluka (Ahmedabad district) in 1853-54, several methods of *bagayat assessment* were tried. Mr. Pedder introduced the system of 'bagayat kasar' under which the well was treated as a survey number and classed and assessed according to its relative advantages like the soil. This system was subsequently introduced throughout Gujarat.

The fundamental objection to the system was that it was a *well* and not a *land tax*, which was opposed to the principles of the Bombay system. But in those times, this was the only practical method for assessing bagayat lands.

In the Deccan, the system of *Vihirhunda* or a well-tax was in force. At the settlement of Junnar (Poona district) in 1850, this system was changed when the extent of the land irrigable from the well alone was ascertained and the assessment placed upon that area at a rate per acre. In the Konkan the classification was made on soil, well-water, and trees. The tree-factor was unscientific and was therefore removed in the revision except in Ratnagiri.

The classification of the lands watered by dhekudis was another thorny problem. The constant changes in the course of rivers in Gujarat made it more difficult to classify such lands. As a result, in 1865, the system of levy of a very moderate permanent water rate on all dhekhudiat lands was adopted.

Practically, there was then no patasthal land requiring classification in Gujarat. It was only in the Deccan. The system of classing and assessing patasthal lands was the same in the original and revision settlements.

Further, the classification of the rice lands posed peculiar problems owing to the varying nature of the annual rainfall from district to district. Two systems in Gujarat and the Konkan arose. According to the Konkan system, the soil classification was worked out through the ordinary rupee-scale and the water classification by the scale of 'water classes'. In the Konkan, 8 annas were assigned to soil and 8 annas to water. This system was applied to the Deccan also.

In Dholka taluka of the Ahmedabad district, the rainfall is notoriously uncertain, in Kaira, however, it is more assured, while in Surat, the climate is moist with heavy rainfall. Consequently, the relative value of the two factors of soil and water varies in different parts of Gujarat. Consequently, unlike the Deccan the system of separate rates for soil and water had to be adopted.

The classification further depended on *the distance from the village scale* which was applied to make allowance for the factors of situation as affecting the relative value of lands. One anna was added to the soil classification annas if a field were within a quarter of a mile of a small village, and two annas, if it was within a quarter of a mile of a medium-sized

village and so on. It was applied only to dry crop lands and not to rice or garden lands. But in the Original Settlements, in Gujarat, the scale was diverted from its legitimate use and made to serve the purpose of altering the normal assessments to suit backward areas in Surat, Panch Mahals, etc. Broadly speaking, the scales were so constructed as to modify the effect of excessive maximum rates.

Revision Settlements: Classification:

In the *revision settlements*, owing to the destruction of the survey records in 1887, complete re-classification was not considered, but the original classification annas were deduced by working backwards from the maximum rates. But the rice and other lands with more than one factor of classification value had to be entirely re-classified.

During this period, the classification system was improved and brought up-to-date by—

- (1) correcting the inaccurate classification of lands in respect of natural bagayat in Gujarat and the lands classed as *rabi* in the Konkan;
- (2) the recognition of additional factors of value in the case of some classes of lands;
- (3) the improvement in the classification scale for soil in Gujarat and the Deccan in order to give relief to poorer soils; and
- (4) the alterations made in the distance from the village scales and their method of application to the Gujarat districts.

As regards correction of the classification of bagayat lands, Captain Prescott in the original settlements had assessed *all lands* at the bagayat rates without distinguishing the ordinary and special classes of bagayat. The result was the over-assessment of the ordinary class. In the Revision, these two classes of lands were distinguished and the richer kind of bagayat was made into a separate class, called 'uttam' or 'natural bagayat' and classified according to the special scale.

As regards the improvement in the classification scale, it was noticed that owing to the defect in the classification methods in the Original Settlement there was over-assessment of the poor soils in comparison with the richer soils. This was not entirely unintentional. It was meant to induce cultivators to abandon

the poor soils and resort to lands previously thrown up and remaining waste. As all good lands had been taken up by cultivators by the time of the Revision Settlements, the *raison d'être* for the under-assessment of the rich soils disappeared. The low assessments were levelled up by a method of adding a few annas to the existing soil classification. This was effected by the system of 'soil increases' to the classification *bhag annas*.

With regard to the *lands watered from wells*, the system of bagayat kasar adopted in the Original Settlements proved a failure. In consequence, the *system of sub-soil water classification* was first tried in the Jhalod taluka of the Panch Mahals district in 1884, and was then extended to the whole of Gujarat. In Gujarat, water facilities were widely diffused and easily ascertainable. The system, therefore, postulated inspection of the existing wells and other phenomena bearing upon the question of the quality of the sub-soil water and its depth from the surface; quality of the water and the soil classification annas of the field.

In the Deccan, the system of special assessment of the bagayat lands was adopted. In the Konkan, however, the Deccan or Gujarat system could not be adopted owing to the sandy nature of the soil. As a result, in the original and revisional settlements, such lands were assessed as garden. Thus, the problem of assessing lands watered by wells, varied according to the pressure of local circumstances and also considerations of policy.

After adoption of the sub-soil water assessment in Gujarat, the dhekhudiat rates, which could not yield much more than the sub-soil assessment, were remitted and such lands were placed on a par with the ordinary dry-crop fields possessing sub-soil water advantages. But the dhekhudiat rates were continued in Surat, because the beds of rivers were unchangeable.

As regards assessment of *new rice lands*, the system of classification adopted was to class the soil factor by the ordinary soil scale and to add to the classification value a "position class" for the facility of conversion into rice possessed by the land. The dry crop rate was then applied to the combined annas. Now rice land was treated as dry-crop, possessing an 'advantage' over the ordinary class of such lands (*vide* the Revision Settlement Report of the Daskroi taluka in the Ahmedabad district). In the Deccan, the new rice land was assessed within the maximum dry-crop rate, as decided in the

Igatpuri Settlement. This system was extended to the Konkan and Gujarat.

Lastly, *the distance from the village scale* was generally employed in the Revision for its true function of making allowance for the 'situation' value. But the exception was made in the case of the mal lands in the Kaira district in order to make necessary adjustments in the assessment of a particular class of land without interfering with the maximum rates or the classification.

With the abolition of the Survey Department in 1892, the technical operations came to an end. The survey number and the pot number seemed to have assumed their final shape as the unit of assessment. The classification so far made was given the finality by proviso to section 106 of the Land Revenue Code, 1879. But this did not mean the final closure of all survey and classification work. Such work had to be undertaken from time to time on account of construction of new roads, railways, canals, other similar projects, assessment of waste lands, conversion of dry-crop into rice or garden lands by construction of tanks, canals, etc. Thus, the work connected with survey and classification has been a continuous process in the revenue administration.

Assessment:

As stated before, the Bombay Settlement system works from *the aggregate to details* and the system of classification is merely a device for distributing the total demand determined for the area under settlement. Three operations were involved in this process, viz.:

- (1) the division of the villages of the taluka into groups;
- (2) the determination of a total amount for the area under settlement by an examination of the revenue history of the tract; and
- (3) the distribution of the aggregate over the groups by means of maximum rates for the various classes of lands.

The object of grouping was to divide the talukas into homogeneous groups of villages comprising those parts of the whole area, the relative conditions of which called for a variation in the "standard of assessment". The necessary variations were made by graduating the pitch of the maximum rates for the several classes of lands between group to group according to the estimate of the Settlement Officer. The

principles of grouping followed were those stated in the Joint Report such as climate, situation and the state of husbandry. Although, the caste or the condition of the cultivator was not to be considered, still in the original settlements in a large part of Khandesh, certain districts of the Deccan and Gujarat, this could not be avoided owing to the prevalence of the caste assessment from time immemorial. Thus, the theory was sacrificed to expediency. The groupings at the original settlements were, therefore, generally of an essentially transitional character.

(2) The *determination of the aggregate* was the touchstone of the success of the settlement. The Settlement Officer had to examine the revenue history of the tract and inquire into the suitability of the existing assessment to existing conditions. He had also to forecast the effects of probable future changes. It required great judgment and discrimination on the part of the Settlement Officer. He had to project his mind into the future and anticipate events as might affect the agricultural situation for a period of 30 years. Out of all factors affecting the situation, the communications and prices had most definite effects. The prices had a predominant effect. A rise in prices would mean that assessment would be paid more easily and if a fall, the pressure would be felt more heavily. The high pitches of assessments in Kaira, Broach and Surat districts were due to the high prices created by the American War of 1864. All the same, much depended on the subjective impressions and the *ipse dixit* of the Settlement Officer.

(3) The last operation was that of the *distribution of the aggregate* over the individual survey numbers. This was done through the medium of maximum rates fixed for different classes of land. The maximum rate was not the same thing as the maximum assessment. It (the maximum rate) was the rate applied to the 16-anna land. But the land might be classed on account of advantages above 16 annas. For example, in the case of a tank irrigated rice, the classification of soil might be as high as 32 annas. For differentiating between groups of villages, the general pitch of the maximum rate was varied between group and group according to what the Settlement Officer considered reasonable. In this process, *general considerations* played an overwhelming part in the settlement. But past collections and cultivation were important considerations. Thus, the settlement system was frankly empirical depending much for its success on the local knowledge and experience of the Settlement Officer.

The distance from village scale was employed to reduce the pitch of assessment as in the Bardoli taluka. Thus, the "first Settlement Officers were in fact at all times ready to adjust theory to necessity".

(ii) *The Revision Settlements:*

In the *Revision Settlements*, the task of the Settlement Officer was exactly the same as that in the Original Settlements. He had to examine the revenue history of the tract, the original grouping of the villages and regroup them, if necessary, and fix the maximum rates on the basis of the classification values. He had nothing to do with classification. The only way in which he could revise the relative assessment of the villages was by changing their grouping.

But the Revision was remarkable in that it laid down important principles regarding (a) grouping, (b) the regulation of the rate of enhancements, and (c) the graduated levy of enhancements.

(a) *Grouping:* As regards *grouping*, we have seen that the grouping of villages in the Original Settlements was essentially of a transitional character because it was settled on a caste basis particularly in parts of Khandesh and Gujarat. It had to be remodelled on the permanent considerations of climate and situation of the Joint Report. Grouping had also to be altered due to the changes in communications such as roads, railways and other highways.

(b) *The Regulation of Enhancements:* The regulation of enhancements was an important feature of the Revisions. The original settlements were made when there was extraordinary depression and when the survey system had not matured, involving obvious errors in measurement and valuation. The Revision Settlements coincided with a period of high prices and agricultural prosperity created by the cotton boom by the American War, with the result that the assessments were pitched high in four talukas of Poona and six talukas of Sholapur and Kaira, Broach and Surat in Gujarat. In order to regulate the increases in assessment, Government laid down the policy in 1884 to the effect that the rates of enhancements at the Revision should not exceed in the case of—

(i) a taluka or group of villages ...	33%
(ii) a single village ...	66%
and (iii) an individual holding ...	100%

(c) *Graduated levy of enhancement: Igatpuri concessions:* The steep increases in assessment in the case of individual holdings necessitated the *graduated levy* of assessments. No uniform policy was adopted in the case of the earlier Revisions. The question was considered in the Revision Settlement of the Igatpuri taluka of the Nasik district in 1885. In order to enable the cultivators to adjust themselves to increased payment by degrees, the concession was given as under:—

- (1) for the first two years, remission of enhancement in excess of 25%;
- (2) for the second two years, remission of enhancement in excess of 50%;
- (3) for the third two years, remission of enhancement in excess of 75%.

These Igatpuri concessions were given in the Deccan and Gujarat. In the Konkan, the *Bhiwandi concessions* were applied in the manner shown below:—

- (1) for the first 3 years, remission of enhancement in excess of 33%;
- (2) for the second 3 years, remission of enhancement in excess of 66%;
- (3) for the third 3 years, remission of enhancement in excess of 99% on the *pot* or *phalni* number.

(d) *Suspensions and Remissions of Land Revenue:* During the pre-British period, although the assessment was high, it was never collected in full. But during the British regime, it was collected in full by resort to coercive measures, where necessary. The Joint Report of 1847 and the Land Revenue Code, 1879, did not contemplate any abatement of fixed revenue. The result was that the rigid collection of land revenue became oppressive and forced cultivators to relinquish their holdings. The situation became acute during the latter half of the nineteenth century when there were frequent famines. In 1907, the Government of India, therefore, laid down the policy of granting suspensions and remissions of land revenue in the event of natural calamities such as flood, fire, frost, etc. This concession introduced an element of flexibility in the otherwise rigid revenue system.²

The original settlements in the Deccan, the Konkan and Gujarat started after the framing of the Joint Report in 1847.

² For the suspension and remission of land revenue, please see Chapter XVI of the Land Revenue Rules, 1921.

They were completed in the eighties of the last century. By the time, the Revision Settlements became due. The Revision Settlements came to be completed in 1910.

(iii) *The unsanctioned Re-revision Settlements (1911-38):*

Theory of Rental Value as basis and the Bardoli Satyagraha: The period from 1911 to 1938 was marked by important events which altered the course of the settlement processes in Bombay. During the first half of the period, Mr. F. G. H. Anderson, I.C.S., as the Settlement Commissioner, propounded his pet principle of the "rental values" as a tangible basis of the settlements. The World War (1914-18) created inflation and rise in agricultural prices. The revisions based on the rental values as reflected in that period resulted in heavy increases of assessments in Kaira, Viramgam, etc. In 1924, the Bombay Land Revenue Assessment Committee under the chairmanship of Sir Lallubhai Mehta was appointed in order to decide the principles of assessment with a view to bringing them to the statute book. It recommended the theory of the rental values as the basis of settlement. At that time, Shri M. S. Jaykar had submitted his Revision Settlement proposals for the Bardoli taluka and the Valod Mahal (Surat district) recommending increase of assessment by 22%. This steep increase was strongly opposed by the people under the leadership of the late Sardar Vallabhbhai Patel. The agitation resulted in the Bardoli Satyagraha in 1928. Owing to the pressure exerted in and outside the Bombay Legislative Council, Government appointed the Broomfield Committee to inquire into the grievances of the people. The Committee came to the conclusion that the data relating to the rental values were not properly compiled, and interpreted with the result that the existing conditions could not justify the heavy enhancement of 22%. It recommended³ only 5.7% increase. Thus, the Bardoli struggle exploded the theory of rental values as a basis of the revision settlements. The result was that Government did not sanction the revision settlement proposals for certain talukas in Ahmedabad, Kaira and Surat.

Then came the World Slump starting from 1928 onwards. It crashed the settlements which were based on the assumption that the high prices of agricultural produce and the economic prosperity created by the War would continue. Government was, therefore, forced to grant considerable remissions of land revenue from 1932 to 1937-38.

³ Broomfield-Maxwell: Report of the Special Enquiry into the Second Revision Report of the Bardoli and Chorasi talukas, p. 77.

(iv) *The Bombay L.R. Code (Amendment) Act, 1939:*

The next important event in the settlement history was the amendment of the L.R. Code after the assumption of power by the Congress Party in 1937. It took up the question of laying down the principles of settlement which were left deliberately vague by the British. The principles and procedures of settlement had developed so far in a very fragmentary fashion and much depended upon the subjective impressions and local knowledge and experience of the Settlement Officer. This resulted in varying proposals of assessment with different Settlement Officers. In order to remedy this state of affairs and to put the settlement processes on a statutory basis, in 1939, a new Chapter VIII-A was incorporated in the Land Revenue Code by an Amending Act. The chapter provided for the following main changes:

- (1) The maximum limit of assessment to be fixed should not exceed 35% of the rental value of the occupied land. Thus, the rental values were recognised statutorily as a factor limiting the maximum assessments.
- (2) Enhancement of the assessment should be limited to 50% as maximum.
- (3) Elasticity in the revenue assessments was provided by enhancement or reduction in assessment by placing a surcharge or granting a rebate on the assessment according to a scale on the basis of prices of specified agricultural produce.
- (4) The water advantages under certain circumstances should be exempted from assessment.
- (5) The factors determining assessment were clearly stated for the first time.
- (6) The members of the State Legislature are allowed to have a say in the settlement of assessment by the provision that the settlement reports should be placed on the table of the Legislature for discussion.
- (7) In case a person is aggrieved by the settlement rates, it is open to him to make a reference to the Bombay Revenue Tribunal.

By associating the members of the State Legislature with the settlement and by providing a forum of reference to the Bombay Revenue Tribunal in this manner, the settlement process is considerably democratized.

But the Amending Act has fallen short of the expectation of the people in some respects. The Amending Act neither makes any provision for the assessment of lands put to non-agricultural uses nor is any provision made for granting relief to the holders of uneconomic holdings and putting the whole revenue settlement on the income-tax basis. In short, it crystallized only the principles and practices of the settlement of about a century and brought them to the statute book for the first time.

(v) *The post-Amending Act (1939) Revisions (1939-47):*

After the Amending Act of 1939, the revision settlements were undertaken in some districts of the Deccan and in Gujarat in Viramgam and Dhandhuka talukas of the Ahmedabad district and the five talukas of the Kaira district. Owing to the intervention of World War II, further revisions were postponed and the revision proposals for the aforesaid talukas were not sanctioned by Government. After the cessation of the War in 1945, those revision settlements were sanctioned by Government and the revised rates of assessment brought into force.

(vi) *The post-Independence Revisions (1948-56):*

The period is marked by the integration of the States and estates in Gujarat and Maharashtra in 1948-49 and the abolition of the inam and non-ryotwari tenures. These two events threw a great strain on the existing technical staff of the Land Records Department in the matter of fixation of assessment. Government had to adopt the following measures to meet the situation:

- (1) the levelling down of the assessment in the merged areas having regard to the pitch of assessment in the contiguous union areas;
- (2) the introduction of survey and classification
 - (a) of lands in those areas where it was not done or was not in conformity with the Bombay system;
 - (b) the survey and settlement of the unsurveyed and unsettled lands and villages on the inam and non-ryotwari tenures;
- (3) the framing of the Rules 19-O and 19-N under the Bombay Land Revenue Code for fixation of *ad hoc* assessments till a scientific settlement was introduced;
- (4) (a) The recommendations of the Taxation Enquiry Commission (1953-54) and the enactment of the

Bombay Land Revenue Code (Amendment) Act, 1956; and

- (b) the appointment of the Settlement Officers after a brief training in revised principles of settlement.

(1) *Reduction of land revenue in merged areas:* In more than 100 States and estates merged in Bombay, the system of survey and settlement was not similar to that prescribed in the L.R. Code. Except in a few States like Kolhapur, Baroda and Idar, etc., the systems in merged areas could not lay pretence to any scientific system of settlement. Although the Land Revenue Code, 1879, was applied to those areas under the Bombay Merged States (Laws) Act, 1950, it was not administratively feasible immediately to undertake the settlement on the Bombay System. Complaints were received by Government to the effect that the prevailing assessments in some merged areas were heavier than similar assessments on comparable soils in the adjacent non-merged areas. In 10,738 villages, the pitch of assessment exceeded the comparable pitch of assessment in non-merged areas by over 20%. In order to remove the disparities in the pitches of assessment in the merged and non-merged areas, the excess over 20% of land revenue in merged areas was proposed to be remitted by executive orders in 1953, resulting in a fall of revenue by Rs. 20 lakhs per year. The proposals however could not materialize and the action came to be taken under the L.R. Rule 19-N which was then framed.

(2) *Survey, classification and settlement in the merged areas:* In Gujarat, over 80 princely States and estates merged during the year 1948-49. The merger added a considerable area and population. Besides creating general problems of administration, the integration created certain problems affecting land revenue administration such as survey, classification and settlement. Several villages and lands in the merged areas comprised in Sabar Kantha and Banas Kantha, Pandu Mewas, Sankheda Mewas, Deogadh Baria, Bansda, Dharampur, Chhota Udepur States were unsurveyed and unsettled. In some of the States like Idar, Lunawada, etc., the survey and settlement was introduced; but it did not conform to the scientific survey and settlement as laid down in the Land Revenue Code. In several merged areas such as Palanpur, Idar, Danta, Tharad, Wav, etc., land revenue was recovered on an *ad hoc* basis under the various systems called Kaltar, Padri, Halbandhi, Autbandhi, Narwa, Vaje, etc. Besides land revenue, several obnoxious cesses, pattis and lagas were recovered from the ryots. In the context of

this background, there was neither uniformity in survey nor settlement of land revenue in the merged areas. Besides, there were disparities in the pitches of assessment in areas of the same State. Thus, there was uniformity in the diversity of methods of assessments, rates of land revenue and modes of collection.

The magnitude of the task that the Land Records Department had to undertake can be gauged from the statistical information set forth below. As regards survey, in the pre-reorganization Bombay State the number of khalsa and inam villages requiring either whole or partial survey was 2,331 covering 45,68,272 acres and 7,16,426 holdings. The survey had to be taken up for the purpose of preparing the Record of Rights in the first instance and then for the settlement purposes. It is proposed to complete the work within a period of 5 years. The entire cost of the survey is recoverable under section 135-G of the Land Revenue Code. The classification operations for settlement in these villages have been started simultaneously with the work of introduction of survey for the Record of Rights. The entire work covers 3,715 villages involving 11,17,925 holdings. It is proposed to complete the classification work within a period of 5 years. Almost half of the total cost of the khalsa villages will have to be borne by Government and a portion of the remaining half of the cost in respect of the inam villages will be recoverable from the holders as provided in section 216 of the Code.

Lastly, as regards the settlement operations, the work will cover 3,553 villages (1,821 khalsa + 1,732 inam) which are either in compact blocks or scattered over the settled groups of villages. The settlement work has already been started. The Superintendents of the Land Records have commenced the work of proposing rates of assessment under section 52 of the Code in the case of khalsa villages and of regular settlement work in the case of the inam villages after bringing up-to-date the survey and classification already done during the State regime. This work was expected to be completed within one year.⁴

(3) *Ad hoc assessment : Land Revenue Rules 19-O & 19-N:* As in other States, in the Bombay State also, the revision settlements expired in respect of many talukas. But Government could not take up their re-settlement owing to the steep fall in prices in the early thirties and later due to inflationary conditions arising out of World War II, expansion of administra-

⁴ *Vide* G.R., R.D., No. SVC-1353, dated 1-6-1954.

tive activity, lack of trained personnel and also in expectation of the revised settlement procedure being brought on the statute book. These difficulties made the re-settlement on the orthodox principles and procedure impossible. Some State Governments like the Punjab, however, resorted to the expedient of a sliding scale during the slump and surcharges during the inflationary war period in order to make the land revenue system more responsive to the price changes.

For these reasons, the time-expired settlements in Gujarat and the Deccan could not be taken up by Government. In addition, the integration of the princely States and estates and the abolition of the intermediaries increased the magnitude of the settlement problem. They raised the question of levy of land revenue from the merged areas and the cultivators who were recognised as occupants or who were conferred occupancy rights on payment of a few multiples of assessment. Unlike other States in India, the Bombay Government provided for a levy of land revenue assessment as fixed on the land. All the unsurveyed and unsettled areas presented an administrative problem of the first magnitude. Government, therefore, framed rules 19-N and 19-O under the Land Revenue Code, 1879. These rules provide for fixing the assessment in all the unsettled areas on an *ad hoc* basis till the scientific survey and settlement is introduced under the provisions of Chapter VIII-A of the Land Revenue Code.

The *Land Revenue Rule 19-N* applies to the merged territories only and continues the prevailing rates of assessment until the settlement of land revenue is fixed under Chapter VIII-A of the Land Revenue Code or the rates of assessment are fixed under section 52 of the Code whichever event occurs earlier. It also provides for reduction of the existing rates, if they are found to be higher than the Union area rates after scaling them up by 25 per cent. Thus, the main objective of Rule 19-N is the continuance of the existing rates of assessment and necessary reduction therein by way of remission for removal of inequalities in the pitches of assessment.

The *Land Revenue Rule 19-O*, however, applies to the whole pre-reorganization Bombay State comprising—

- (1) the pre-merger Bombay State areas,
- (2) the merged territories,
- (3) the merged areas, and
- (4) the enclaves. (Now there will be no enclaves.)

It provides for fixing *ad hoc* assessment under section 52 of the Code subject to the provisions of section 7 of the Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953. Detailed provisions are made for fixing the assessment by classifying the dry crop, rice and irrigated lands into good, medium and inferior, having regard to the sale value of agricultural lands, the yield of principal crops, and the rental values of agricultural lands. After the classification of the lands as above, the average gross produce per acre of each sub-class of land for a period of 5 years is to be ascertained and the rates of assessment per acre for each sub-class of land calculated at 35 per cent of 1/6th of the price of the average gross agricultural produce is to be fixed in a group of villages homogeneous as far as possible in respect of physical configuration, climate, rainfall, markets, communications and standard of husbandry. Such a detailed procedure is not to be undertaken in the cases of unassessed lands in a settled village or an unsettled village surrounded by settled villages under the Code. In the cases of such unsettled land or village, the assessment is to be fixed according to the standard rate obtaining in the same or neighbouring settled villages.

The rate of assessment fixed under the Rule are to remain in force for 10 years or till the regular settlement is made under the Code, whichever is earlier.

Further, sub-rule (5) has been recently added to the L.R. Rule 19-O with effect from 18-5-1956. It empowers Government to declare in the case of *any merged territory or enclaves* that the provisions of the said L.R. Rule would not apply to the areas which were assessed immediately before the merger of such territory or inclusion of enclaves according to the survey and settlement law which generally corresponded to the provisions of Chapters VIII and VIII-A of the L.R. Code. Accordingly, Government has already declared the merged territories of the former Deccan States areas and the Gujarat State areas of Baroda, Bhadarwa, Bansda, Cambay, Chhota Udepur, Rajpipla and Sachin as falling in the above category. The effect of this sub-rule is that there will be no need to fix assessment in these areas according to the provisions of the L.R. Rule 19-O.

It is clear that the Land Revenue Rule 19-O is framed in order to fix the rates of assessment in the surveyed and unsettled or unsurveyed and unsettled lands and villages on an *ad hoc* basis till the scientific survey and settlement is introduced under the provisions of Chapter VIII-A of the Land Revenue

Code, 1879. This interim measure has been adopted by Government because it is not possible immediately to undertake a full-dress survey and settlement for all such areas at a time.

(4) *Recommendations of the Taxation Enquiry Commission (1953-54)*: The Taxation Enquiry Commission considered that the ryotwari settlements in Bombay and elsewhere were on trial as the depression of the thirties had knocked out the assumption of those settlements that the agricultural prices would remain stable more or less over a period of 30 years. In order to reform the system of settlements, the Commission has recommended a scheme of standardised assessments under the belief that the pitches of assessments had reached a level which it would not be expedient to raise appreciably. Further, the results of re-settlements are not likely to be commensurate with the cost of money, time and labour involved in going through all the processes of re-settlement. In view of these considerations, it has recommended that (a) the present levels of assessment should first be standardised over the whole State, and (b) the standardised assessment then revised State-wise or region-wise at reasonable intervals on the price basis. It considers that while survey, classification and initial settlement must be regarded as indispensable operations, the same could not be said of the revision settlements. The present levels of assessment should be standardised over the whole State. It should be clearly understood that this standardization aims at *reducing* and *not eliminating disparities* to the extent practicable. Further, it is to be State-wise, simple and *ad hoc*. After standardization, the assessment should be revised in the context of the prices and various other factors at the interval of 10 years.

The scheme of standardization can be carried out where the lands have been surveyed and settled. But in the merged areas, where considerable areas are not surveyed and settled, the initial survey, classification and settlement will have to be carried out. In such cases, the Commission has not recommended any theoretical basis of assessment such as rental value, net produce, etc.; but has suggested to adopt the basis that is in operation in the adjoining State or area. This would tend to make land revenue uniform in contiguous tracts and, to a certain extent, reduce the disparities in the pitches of assessment.

(vii) *The Bombay L.R. Code (Amendment) Act, 1956*:

The Bombay Government accepted the recommendations of the Commission. In order to simplify the present procedure

of survey and settlement, the Bombay Land Revenue Code (Amendment) Act, 1956, has been enacted. Certain provisions of Chapter VIII-A thereof have been amended in order to provide for the shift in emphasis from general economic conditions of the area and rental values as the basis of assessment to the prevalent prices, soil and seasonal conditions and principal and money crops grown. Instead of a taluka or a part of a taluka, the unit of settlement will be a zone of talukas or portions thereof of one or more districts which is homogeneous in respect of—

- (1) physical configuration,
- (2) climate and rainfall,
- (3) principal crops grown in the area, and
- (4) soil characteristics.

Similarly, instead of 14 factors mentioned in section 117(G)(2), the *main* factors of grouping would be—

- (1) physical configuration,
- (2) climate and rainfall,
- (3) prices, and
- (4) yield of principal crops.

Thus, the permanent factors set forth in the Joint Report of 1847 have regained their importance.

The rental value which was the basis of settlement has been knocked out of the settlement processes by restriction of rents and free sales of agricultural lands under the Bombay Tenancy and Agricultural Lands Act, 1948. In future, the basis of settlements will be the yield of principal and money crops and prices of agricultural produce. The standard rates of assessment are to be expressed in terms of the gross yield converted into money value. Formerly, 35% of the rental value was taken as the normal assessment, but under the revised section, the value of 1/16th of the average yield of crops will have to be taken as a normal assessment or as a standard assessment. The figure of 1/16th is arrived at as follows: The minimum rent is now 1/6th of the crop. If 1/3rd of the rent is taken as the normal assessment, then $1/3 \times 1/6$ works out to 1/18. For facility of calculation, 1/16th is taken as standard assessment. Under this procedure, the existing disparities in the pitch of assessment in various areas of the State would be removed and a measure of uniformity and standardization in the pitch of assessment will be achieved.

The scheme of standardization also renders nugatory the provisions regarding the limitations on the enhancement of assessment prescribed in section 117-F of the Code.

As a measure of decentralization, the Amending Act provides for entrusting of the land revenue collection to suitable village panchayats, in order to foster the growth and development of village panchayats. The village panchayats will have to collect land revenue and maintain accounts. Perhaps, in this matter, the State Government has taken a cue from the Bhavnagar State which tried this experiment first in India and U.P., where the land revenue collection has been entrusted to certain efficient village panchayats.

The old section 117-M of the Code has been replaced by a new one. Under the old section, the Settlement Officer could place surcharge or grant rebate if the prices of crops at any time after settlement had gone up or dropped. The new section provides that when the revision settlement is made, it will not be changed *for ten years* to come and in case there is a variation in prices which is very marked, then after the expiry of ten years, Government has taken powers to enhance or reduce the assessment on lands in any zone. Thus, the rates of assessment so fixed will remain unaltered for a period of ten years.

Lastly, it has amended section 52 in order to provide for the assessment of unassessed lands retrospectively even in cases in which delay in the fixation of assessment occurs or has occurred on account of completion of procedural matters.

Thus, after the Amending Act of 1939, the amendment of 1956 is a second milestone in the process of reforming the processes of the land revenue settlements in the State.

Before the amendment was passed by the State Legislature, a squad of the Settlement Officers was trained in the revised settlement technique for undertaking original and revision settlements in the Deccan and Gujarat. After this brief training, Settlement Officers have been appointed zone-wise and region-wise. They are expected to submit their proposals for settlement after a period of 2 years.

SAURASHTRA

THE BACKGROUND OF THE LAND PROBLEM

(i) Before the integration of 222 States and estates into the United State of Saurashtra in February 1948, the land revenue systems in the area were of the following four broad categories:

(a) *Ryotwari areas:*

- (1) the khalsa or ryotwari system in which lands were assessed to cash assessment (vighoti); and
- (2) the khalsa or ryotwari system in which lands were assessed to crop-share (bhagbatai).

(b) *Non-ryotwari areas:*

- (3) the Girasdari system, and
- (4) the Barkhali system.

As regards the first category, there were 1,700 villages or approximately 2/5th area of the entire State. The rates of cash assessment varied from one area to another. The pitch of assessment was generally higher than the corresponding areas of the Bombay State.

Under the second category fell lands which were subject to the Bhagbatai system. The crop-shares levied differed from one State to another.

The Girasdari lands comprised the lands granted by the rulers to their younger brothers for maintenance. Such holders had a proprietary interest in the lands which were generally held free from payment of any land revenue to the former States. In all, there were 1,200 villages of this type.

The fourth category covered the Barkhali lands and villages in which the Barkhalidars had no proprietary interests but had certain rights to the revenues of those villages. They were held almost free from payment of assessment. There were 353 villages of this type.

Thus, the land systems of Saurashtra before integration comprised the ryotwari areas with vighoti and bhagbatai systems and non-ryotwari areas with Girasdari and Barkhali systems. In the 222 States and estates, the systems were subject to local variations, although they had generally the broad pattern mentioned above.

Thus, before the formation of Saurashtra, the pattern of land ownership was feudalistic and the revenue system was more or less of an exploitative character. An effort was made during the last decade of the 19th century and the first two decades of the 20th century to bring about some kind of order therein. States like Gondal, Bhavnagar, Junagadh, Wankaner and Jamnagar had converted their crop share system of collecting land revenue into a kind of cash assessment based on some kind of classification and scientific survey. However, the incidence of rates, even in those settlements, differed from place to place, it being the

lowest in Gondal. In Morvi and Palitana, there was cash assessment of a type. Morvi had introduced cash assessment, but had placed a surcharge variable with the prices of cotton, which was one of its principal crops. As regards Palitana, the system of collecting land revenue corresponded to Bhaichara system of the N.-W.F. Province. It was fixed in cash on each occupancy based on actual income of crop shares in 1870 and 1871. It also provided that there was to be a proportionate abatement, if an agricultural season was less than 16 annas. The prevailing prices and the general condition of the villages were taken into consideration in fixing reduced annuaries. In the remaining areas of Saurashtra comprising 2,800 villages, the prevailing system of land revenue was according to share calculated at an average from $\frac{1}{3}$ rd in the non-irrigated crops to $\frac{1}{4}$ th in the irrigated crops.

In a nutshell, before the integration of the States and estates, the land revenue pattern was as under:

- (1) the cash assessment in Junagadh, Nawanagar, Bhavnagar, Gondal, Wadhwan and a village in Virpur;
- (2) the cash assessment based on special averages in Palitana;
- (3) the cash assessment and a surcharge in Morvi where also during the war years, the cash assessment was converted into the crop share, that being more to the advantage of the State;
- (4) the lump sum assessment in some villages in Bhavnagar, Wankaner, Limbdi, Rajkot and Jetpur; and
- (5) in the remaining 2,800 villages, there was crop-share varying from $\frac{1}{3}$ rd and $\frac{1}{4}$ th to one-half.

The total area under cash assessment was 40 lakhs acres and that under crop-share was 46 lakhs acres. This was the position before the War which continued till the integration of the States in 1948.

As regards the occupancy rights, the position was not uniform. Partial occupancy rights were given by Junagadh, Nawanagar, Dhangadhra, Bhavnagar, Morvi, Limbdi, Wadhwan, Jasdan, and Bilkha States. Full occupancy rights were given in the Gondal State only. In Dhangadhra, Limbdi Jasdan and Bilkha, the rights were subsequently encroached upon by the States to the prejudice of the tenants. In the remaining areas, there prevailed unadulterated tenancy-at-will with full and absolute right of eviction and without restriction on rent.

Rights of inheritance and sale were restricted to a great extent. Right of improvement and right over trees existed in some cases.

(ii) *Pre-integration Survey and Settlement:*

On account of the existence of the Girasdari and Barkhali tenures, a sizeable area of the State was unsurveyed and unsettled. As regards the surveyed villages, the former administrations used to collect revenue by crop-share and hence they never cared to maintain the survey properly. The old surveys were in several places obsolete. Such villages required to be surveyed and settled again. In the case of the alienated villages (Girasdari and Barkhali), the surveys were undertaken more for partitioning the villages between the shareholders than for getting them surveyed field-wise for settlement of assessment. When the revenue surveys in the States like Rajkot, Limbdi and Palitana were not in order, the surveys in the non-khalsa areas could not be of much use for the purpose of levy of assessment.

Secondly, the survey and settlement operations were undertaken and completed at different times in different areas. Although the methods adopted varied in details, there was a considerable similarity in the broad outlines. The details⁵ about the operations in the different States are set forth below:

Name of the constituent State or estate	Year of original survey	Year of revision survey
1. Bhavnagar ..	1868 to 1879	1923 to 1928
2. Dhangadhra ..	1920 to 1925	..
3. Gondal ..	1874	..
4. Junagadh ..	1895 to 1905	..
5. Jasdan ..	1923	..
6. Kotda Sangani ..	1895	..
7. Lakhtar ..	1883	..
8. Limbdi ..	1898 to 1903	..
9. Morvi ..	1873	1932 to 1947
10. Manavadar ..	1910	..
11. Nawanagar ..	1899 to 1916	1929 to 1944
12. Porbandar ..	1890 to 1900	..
13. Rajkot ..	1869	..
14. Sayla ..	1915	..
15. Vanod ..	1909	..
16. Wadhwan ..	1897	1918
17. Wankaner ..	1924	..

The above data indicate that the survey and settlement operations were started as far back as 1868, and spread over different States till 1925. The revision settlements commenced in 1923

⁵ *The Economic Survey of Saurashtra* (1953), p. 100.

and were in progress till 1947. It is a patent fact that such settlements were confined to the advanced States of Bhavnagar, Junagadh, Nawanager and Wadhwan only.

The pre-merger position regarding survey in the unalienated and alienated villages was as stated below :

Name of the district	Unalienated villages		Alienated villages	
	Surveyed	Unsurveyed	Surveyed	Unsurveyed
Sorath ..	604	63	130	205
Madhya Saurashtra ..	533	60	53	349
Jhalavad ..	167	86	41	376
Gohilwad ..	571	97	100	299
Halar ..	491	17	36	136
Total ..	2,366	323	360	1,365

Total number of unalienated and alienated villages

4,414

At the time of the integration of the States in February 1948, the surveyed and unsurveyed villages were, respectively, 2,726 and 1,689, i.e. 61% of the villages were surveyed and settled. The surveyed villages were mostly khalsa; and unsurveyed villages were those on the Girasdari and Barkhali tenures. On the whole, about 39% of the villages were neither surveyed nor settled. Another important fact of the pre-merger operations was that more emphasis was laid on survey than on settlement, and that the methods adopted could not lay pretence to any scientific system.

The classification of soil was rough and ready (i.e. gol-mapni system). The lands were classified into four classes and then sub-divided into irrigated and non-irrigated.

The rental value as a basis of assessment was not thought of.

After the integration, much headway has been made in these operations. Till March 1955, 20,92,441 acres of cultivated lands have been surveyed leaving a balance of 22,36,559 acres to be surveyed. The slow progress of the operations is attributed to the lack of funds and trained personnel and the scattered character of the unsurveyed areas in the State. The details of the survey are embodied in Appendix D.

(iii) *Post-integration Ad Hoc Settlements:*

Immediately after integration, steps were taken by Government to rationalize the land revenue system. The State Government declared its policy that all forced labour (Veth), lagas and lettries levied in addition to the crop-share or cash assessment should be immediately abolished, that the shares should be lightened, where necessary, and that entire land revenue system should be brought on a par with that of the Bombay system. This declaration of the policy was followed by a proclamation on the 15th April 1948 which conferred heritable and transferable rights on all the cultivators of the khalsa villages without charging any occupancy price. This made overnight all the cultivators of such areas occupants within the meaning of the L.R. Code.

The second important measure taken for reform of the land system was the substitution of the cash assessment (vighoti) for the bhagbatai system. Out of 86 lakhs acres of land under cultivation, about 40 lakhs acres were under cash assessment and 46 lakhs acres were under crop-share. Out of the 46 lakhs acres, only 13 lakhs acres were Government khalsa lands. The prevalence of the crop-share system in juxtaposition with that of the cash assessment for lands having similar rights was administratively anomalous. In the circumstances then prevailing, it was not feasible to introduce scientific survey and settlement. As a result, an *ad hoc* lump sum assessment was fixed on the averages of recoveries of the period between 1933 and 1947. Then, the land revenue burden was lightened by levy of $\frac{1}{4}$ th share of the unirrigated crops and $\frac{1}{5}$ th of the irrigated crops as a basis for working out the incomes of the villages for the same period. In this way, the disparities in the pitches of assessment were reduced to the extent possible under the circumstances.

Thirdly, the arbitrary cesses, lagas, lettries, etc. which were 91 in number, were recovered in addition to the normal land revenue from the cultivators. At one stroke of the pen, they were all abolished from khalsa and non-khalsa areas of the State.

Fourthly, there were different revenue laws and orders applicable to the revenue systems in different States. In order to evolve a uniform revenue system, the Bombay Land Revenue Code, 1879, was made applicable to the State by an Ordinance passed in 1948.

Fifthly, for the unification of the survey and settlement operations, a separate department was created.

Thus, it will be seen that measures of far-reaching importance were adopted for bringing the land revenue system on a par with the Bombay system.

(iv) *Basis of Assessment:*

As already explained, before the formation of the State, there was no uniform basis of assessment in the different States, estates and talukas. Every ruler, whether big or small, levied land revenue in cash and/or kind according to the administrative exigencies of that State. But after the integration of the States the State Government attempted to reduce the diversities in the basis of assessment. Having regard to the past revenue history of the tract and the political expediency, the State Government adopted the following three bases:

- (1) Cash assessment by regular scientific survey in nearly 1,700 villages,
- (2) lump sum assessment worked out on averages of the income for the period 1933-47 in 900 unalienated villages paying crop-share before integration, and
- (3) assessment calculated in 1,726 alienated villages on the arithmetic averages of assessments leviable in the surrounding unalienated villages for the purposes of the Land Reforms Act and the Barkhali Abolition Act.

But in future, after the survey and settlement operations were completed, Government proposed to adopt the rental values of land as the future basis of assessment in accordance with the provisions of the Bombay Land Revenue Code, 1879, adopted by the State.⁶

In short, after the integration, efforts, legislative and otherwise, were being made in the new State of Saurashtra to rationalize the system of land revenue and its administration. In the nature of things, the approach to the problem had been more practical and less doctrinaire. In this background, the measures adopted were likely to appear sometimes palliative, being dictated by political expediency rather than the legal or permanent considerations of the land policy. This was inevitable in the feudal background indicated above. It

⁶ Now in view of the Bombay L.R. Code (Amending Act) of 1956, the rental basis has ceased to be a basis of revenue settlement.

cannot be denied that before the reorganization the matters were settling down to the pattern of the ryotwari system, which was being evolved out of the confused administrations of a conglomeration of over 200 States.

KUTCH

(i) *Pre-integration position:*

In Kutch, the land system was feudal like that in Saurashtra. Before Independence, the lands were divided into two main classes,⁷ viz. *khalsa* (State) and *bhayat*. The *khalsa* lands were the property of His Highness the Rao and the *bhayat* lands were held by the younger branches of the Rao's family. The *khalsa* lands were held mostly on an occupancy tenure called the *buta*. Under that tenure, so long as the holder tilled the land and paid rent to the State, he held the land at a fixed rate without fear of eviction. Subject to the conditions of cultivation and payment of rent, the holding was heritable and transferable. There was another tenure called *sukhdi* (cash payment) under which a cultivator held lands for a fixed number of years.

Besides, some parcels of *khalsa* lands were held on *dharmada* (religious), *paik prajia* (service) and *passa* or reward grants. The *dharmada* grants were to the religious institutions. The *paik prajia* were inam lands granted subject to performance of village service. Reward or *passa* grants were granted in appreciation of some service rendered to the State in times of danger or trouble.

The *bhayat* lands were held on condition of fealty and allegiance to the Rao. About half of Kutch was held by such under-lords, chiefly the outlying parts, those to the east paying a small annual tribute and those to the west were wholly exempt. Although the under-lords did not recognise occupancy rights in their ordinary tenants, the holders of charitable lands and the *mulgirasias* were not liable to eviction. In the eastern Vagad, the *Girasias* and others paid a cash quit-rent.

In 1950, the Bombay Land Revenue Code, 1879, and the Bombay Tenancy and Agricultural Lands Act, 1948, were adapted and applied to Kutch.

In 1952-53, the 'vighoti' or cash assessment in place of crop-share was introduced. The cash assessment was fixed on an *ad*

⁷ *The Bombay Gazetteer*, Vol. V (1880), pp. 178-180.

hoc basis and was calculated on the average land revenue during the ten years from 1941 to 1951 in the first instance. This *vighoti* system was extended in 1953-54 to the Girasdari villages. This sort of land revenue system is to continue for a period of 5 years in the first instance.

For the fixation of the cash assessment, the lands are classified on an *ad hoc* basis as A, B & C, i.e. good, medium and inferior. The *ad hoc* rates are fixed as under:

		For Rapar taluka			For the remaining talukas		
		Rs.	a.	p.	Rs.	a.	p.
Dry	A	4	8	0	3	8	0
	B	3	8	0	2	8	0
	C	2	8	0	1	8	0
Irrigated	A	25	0	0	25	0	0
	B	15	0	0	15	0	0
	C	8	0	0	8	0	0

The Survey and Settlement Department has undertaken a detailed survey of the State since 1951-52. Since the operations have to cover an area of 8,000 sq. miles of the State, their completion will necessarily take a long time. The Department is engaged in the detailed survey in the Mandvi and Nakhatrana talukas and classification in the villages of the Mundra taluka. Survey and classification are in progress. The details of the work done are set down below:

	Work completed	Work to be done
(1) Traverse Survey	637 villages	327 villages
(2) Detailed Survey	150 „	814 „
(3) Classification	2,000 acres	17,98,000 acres

Thus, the classification work has just started. The settlement operations in the circumstances will be taken after completion of survey and classification.

In short, after integration by abolition of the various obnoxious taxes, the substitution of crop-share system by the *ad hoc* cash assessment (*vighoti*) and the application of the Bombay Land Revenue Code, 1879, and the Bombay Tenancy and Agricultural Lands Act, 1948, after the integration, the ground has been paved for the introduction of scientific survey and settlement and other reforms relating to the tenures and tenancy.

Land Revenue:

Land revenue was generally collected in crop-share, i.e. bhagbatai. A few of the best cadet village lands were rented on a fixed money payment. In the State lands, in the Kanthi (coastal) villages, cash rates were introduced in 1879. The State share of the crop varied from 1/7th to 1/3rd of the produce. The rates were fixed by Rao Desalji, having regard to the quality of the land, rainfall, water supply and the character of the cultivator. In the cadet (bhayat) or Garasia villages, the share taken amounted to one-half of the produce including fodder and was generally 15% more than the State share.

Besides the crop-share, there were cesses like the Ghoda vero (horse cess), produce cess, choki (watchman's fee), shedhavar (alienation cess), etc.

Farming System:

Formerly, the farming system was employed for the realization of land revenue. In 1877-78, the Regency Council abolished the farming system and collected revenue departmentally through the agency of a Vahivatdar, clerks and talatis or dhrus. They were subject to the direction and control of a Revenue Commissioner.

(ii) Post-integration Reforms:

Thus, it would appear that the system of land revenue assessment before the merger of the State in 1948 was Bhagbatai (crop-share). The proportion of crop-share differed from village to village. Besides the crop-share, several cesses were recovered. This system was prevalent in both the khalsa and non-khalsa villages. About half the villages were non-khalsa and were held by Girasdars, who paid nothing to the State. After integration, the Government of India abolished all the obnoxious cesses and the cultivators were required thereafter to pay only net crop-share.

CHAPTER 3

LAND SYSTEM—VIDARBHA

1. *Introductory:*

Out of Madhya Pradesh, Vidarbha has been carved out and merged in the Bombay State. In that area, there are four districts of Berar and four districts of the Central Province. In the Berar districts, the ryotwari system is prevalent. In the C.P., however, the main land system was the malguzari one. Besides there were other non-ryotwari tenures like the Zamin-dari, Jagirdari, Maufis, etc. in these eight districts. These tenures have been abolished after Independence with the result that the land system has become ryotwari like Bombay, although the land revenue payable to Government consists either of survey assessment or rent payable by the Bhumiswami and Bhumidhari.

2. *The Background of the System:*

The Central Provinces: In 1861-62, the Central Province was constituted as a separate administration. According to Mr. Fuller, "a veritable territorial puzzle was pieced together and tracts were united which differed widely from each other in circumstances, people, and language".

The four districts concerned came under the British management in 1818 owing to the Bhonsle King's minority and remained so till 1830. But in 1854, when the king died without heirs, they lapsed to the British by escheat.

According to the Hindu system of the land settlement, the King was entitled to one-sixth share from the produce of the land. In those days of village communities, the king could delegate only his revenue-collecting power. During the medieval period, when the Moghal rule extended over the greater part of Northern India, the former Central Provinces and Berar continued under the rule of the Gond Rajas. During their administration, the revenue system was semi-feudal and the country was parcelled out into many petty chiefships. The heads of clans enjoyed entire revenue subject to the condition of military service to the existing Government.

During the Maratha rule which preceded the British administration, annual settlements of land revenue were made with the

help of the Kamavisdar (a paragana officer). This officer made a total assessment for the paragana, which was distributed over the villages in consultation with the village patels. The revenue was not fixed till the character of the season became pretty well known. As the patels thus engaged for an unknown sum, they resorted to a device for distributing the burden on the raiyats according to capability by establishing a system of comparative values for the lands in the village. The crudity of the system lay in the fact that the "*ain*" was not fixed on a real and permanent difference of yield power, but could be altered from year to year.

During the early British management, the annual settlements were substituted by the terminal settlement during the first part of the 19th century. In other respects, the native system was continued unchanged. After 1854, summary settlements were made and the raiyats were protected against any enhancements of their rents.

3. (a) *Origin of the Malguzari System:*

In 1854, it was proclaimed by the Government of India that Government wanted to make a twenty years' settlement and to confer the Zamindari rights on such persons as might appear to have the best right to such a gift, either from their having held long possession or from their having since cession, brought estates in their possession under cultivation and regularly paid the Government demand on them. As a result of this proclamation of 1854 and the Government of India's orders of 1860, the proprietary rights were conferred on the revenue-farmers, village patels and Malguzars. Under the system, the Malguzar was allowed to manage the villages on payment of revenue to Government leaving from 30 to 35 per cent of the gross rental as his remuneration. The proprietary right was *gifted* to the Malguzars without prejudice to the rights of others. In conferring these rights, Government reserved the rights to mines and quarries, tracts of uncultivated land and forest.¹ The results of the Malguzari system were ably summed up by Sir C. Grant as follows:² "The proprietary right was created by consolidating the position of the revenue farmers whom we found managing the villages and paying the Government revenue."

¹ B. H. Baden-Powell: *The Land Systems of British India* (1892), Vol. I, p. 458.

² *Ibid.*, p. 464.

The Malguzari settlement combined features from Bengal with those from North-West. The Bengal feature was the artificial conversion of Malguzars (whether old patels or revenue farmers) into proprietors of villages. The North-Western feature was the settlement of revenue in lump sum for the entire village. According to Baden-Powell, the grant of proprietorship to Malguzars was universally admitted to be a mistake but Government could not retrace the steps and rectify the mistake.

(b) *The Zamindari and Jagirdari Systems:*

In the Central Provinces, apart from the proprietary estates (Malguzari estates) created by the proclamation of 1854, there were certain estates covering over two-fifths of the entire Central Provinces, managed by the Zamindars and Jagirdars. Many of these estates were of great antiquity dating with one or two exceptions from the period prior to the Maratha conquests of 1740-55. The Maratha Government allowed them to continue on payment of tribute. The estates were in fact of a feudal nature. They originated and continued as rewards for military service and had to maintain law and order in times of emergency.

The manner in which the settlement of these estates was effected was not always consistent and various incidents such as conditions of primo-geniture, non-transferability and impartiality to which ordinary Malguzars were not liable were attached to the tenure of the Zamindars. The Zamindars were not of the nature of Patels, Malguzars or farmers of village revenues in whom no sort of proprietary title had been recognised. They (the Zamindars) had already proprietary rights in their estates. The position of those Zamindars was then practically that of any superior proprietor. They were recorded with full proprietary rights in villages where they had exercised the full powers of a landlord, but where lessees had for long enjoyed rights resembling ownership, they were given inferior proprietary rights under the Zamindar.

The Zamindars paid to Government takolis or quit-revenues assessed on a more favourable basis than the ordinary Malguzari revenue. There was nothing in their agreement to prevent these Zamindars from dividing or alienating their lands—a right which was exercised by the Zamindars.

The remaining Zamindars were settled on an entirely different basis. The change began with the Chanda Zamindars.

They were restricted in their power of disposal of their proprietary rights, but restricted in a manner which enhanced their hereditary position. The Zamindars were given rights of enjoyment of income from forests, excise pandhri or a tax on non-agriculturists, ferries and pounds. These conditions were embodied in the Chanda patent sanctioned in 1868 and its terms were included in the Wajib-ul-arz (the village administration paper).

The Chhindwara or Satpura Chiefs, who were known as Jagirdars, were less important owing to their poverty, but they had an equally ancient title. They were granted a patent of their own on terms similar to those of the Chanda Zamindars.

Their estates were, however, settled in accordance with the principles of the land revenue settlements of the C.P. as a whole.

4. *Original Settlements:*

During the original settlements, the rent rates varied enormously without any apparent reason, except the favour of the Malguzar or his necessities according as his village was held at a low rate or had been run up to a higher figure by enmity or competition.

The percentage of assets taken for Government varied considerably. The assets were loosely calculated and defined in older settlements. Generally, the percentage of assets taken by Government varied from 50 to 54 per cent of the gross produce. In some places, it was very high. For example, in Wardha and Nagpur, such percentage was 80, yet the incidence per acre was 11.1 annas in Nagpur and only 9.7 annas in Wardha.

As regards the *modus operandi* during the original settlements, the idea was to assess by valuation or appraisement. The Settlement Officer had the lands of a village measured up and classed. He then framed for each class of soil a rate which seemed to express its revenue-paying capacity, and by multiplying the annas by his rates, he obtained the revenue which was *prima facie* fair. Assessment in those days went principally by judgment. The rates were obtained or justified by *a priori* reasoning of a kind, not readily followed by outsiders, having reference to the average produce of land and the 1/6th share to which the State was entitled. "Whatever be the method of land revenue assessment, the judgment of the assessing officer

must always be an important factor . . . it (judgment) constituted the very basis of his procedure."

5. *Settlement in Malguzari Villages:*

Because of the conferment of the proprietary rights on the Malguzars, the land system that came into existence came to be called *Malguzari*. Except a few ryotwari villages in the Central Provinces, the villages were Malguzari in which the Malguzar was responsible for the land revenue of the whole village.

The entire Malguzari village was cultivated by Malguzar's tenants.³ Some lands were the home-farm of the Malguzar. The home-farm lands were of two kinds, viz. *Sir* and *Khudkasht*. Continuous cultivation for six years entitled the home-farm to be called *Sir*. It was let out to tenants-at-will (sub-tenants). *Khudkasht* land could not be let out even for one year without the lessee acquiring the occupancy rights in it. Although the Malguzar was the proprietor of the village, there were independent plot holders, who were separately assessed to land revenue and were called the *malik-makbuzas*. The revenue was fixed along with the fixation of rents of the absolute occupancy tenants and occupancy tenants by the Settlement Officer. Rents fixed for the absolute occupancy tenants could be enhanced during the currency of the settlement under very exceptional circumstances. But the same for the occupancy tenant could be varied at an interval of not less than 10 years during the currency of the settlement owing to increase in the area, prices, etc.

Basis and Standard of Assessment:

The revenue was based on the assets of the mahal. The 'gross assets' included the payments of the plot-proprietors, but the "net assets" or "Malguzari assets" did not. The Malguzari assets consisted of—

- (1) rents of the tenants (absolute occupancy and occupancy tenants) fixed by the Settlement Officer;
- (2) rental value of the home-farm cultivated by or on behalf of the Malguzar or rent-free by village servants; and
- (3) siwai or miscellaneous income from fisheries, water dues, fruit trees, grazing and timber rights, house-sites, etc.

³ Absolute occupancy tenant;
Occupancy tenant; and
Tenants-at-will (sub-tenants).

In typical villages, the assets chiefly consisted of rents. On the assets so calculated, 50 per cent represented the normal proportion to be taken as land revenue. In practice, the proportion might exceed half or for good reason, be less than half. After abolition of the Malguzari system we will see later that it has been raised to 75 per cent. The rents did not resemble the economic rent; but resembled the ryotwari assessment fixed for a period of 30 years by the Settlement Officer. They were called *Settlement rents*. This is the reason why a major portion of land revenue consists of rent of agricultural land after the abolition of the Malguzari system.

Merged Territories:

The basis of land revenue demand in the *merged territories* was based generally on the same principles as in the old Central Provinces. The Kham or Khalsa villages corresponded to the ryotwari villages in C.P. and Gaontiai and thekedari villages to the Malguzari villages. In some cases, rents were fixed at simple plough-rates.

6. The Land System in Berar:

The province of Berar was held by the Marathas till they were defeated by the British in 1803. Thereafter, it was passed on to the Nizam who held it till 1853. He assigned it to the British for payment of the support of the military force called the 'Hyderabad Contingent' and also to repay some accumulated arrears of debt. By the treaty of 1853 and agreement of 1860, the Berar districts were placed in the exclusive management of the British. At that time, the land revenue administration was regulated by custom or by the conventions established by the courts. Thereafter, land revenue settlement was, however, made on the basis of the Bombay system with the modifications to meet local requirements. The Bombay Land Revenue Code was, however, not adopted. Thus, in the beginning there was no regular Revenue Code in Berar.

After experimentation with annual settlements, the Bombay Joint Report of 1847 was adopted for the purpose of the settlement. The operations of survey, classification and settlement were conducted by the Bombay Officers. The settlements were guaranteed for 30 years. The revision settlements were to be made "with reference to general considerations of the value of land, whether as to soil or situation, prices of produce, or facilities of communication".

Except the *izara* and *jagir* villages, the lands were held by occupants direct from Government. At the time of settlement, fair assessment was fixed on each holding. The principles of settlement were the same as in the Central Provinces except that the ceiling on enhancement was a little higher and the 16-anna soil classification system (Bhag-anna-system) prevailed in the place of the soil-factor system.

The land records consisted of the village map, pahani sud, Akarband, Faisal patrak, Phod patrak, the inam patrak, patrak for grazing and other areas assigned for public purposes, etc.

In short, the ryotwari system of the Bombay type was introduced in Berar by the British. So the survey tenure with the occupancy rights of the land holders was secured like those in Bombay. As the rights and responsibilities of the occupants under the ryotwari system have already been described while dealing with the Bombay system, there seems no need to dilate upon them here.

The village administration was also established on the Bombay model. However, there were hereditary patwaris and patels whose duties were regulated by the Berar Patels and Patwaris Law of 1886. They were given a fixed percentage on the revenue as remuneration. Those hereditary offices of Patels and Patwaris have been abolished with effect from the 1st October 1956 and stipendiary Patels and Patwaris have been appointed instead.

7. Survey and Settlement:

Before the enactment of the Madhya Pradesh Land Revenue Code, 1954, the survey and settlement operations were regulated by the Central Provinces Settlement Code. The settlement operations consist of the following three stages:

- (1) collection of data,
- (2) determination of forecast of revised demand, and
- (3) its distribution.

During the first two stages, the Settlement Officer used to attend to the soil classification, the determination of the rent pressures by applying the soil-unit system, grouping of villages and the fixation of the standard rates.

The *first stage* relates to the preparation of the Forecast Report. The Settlement Officer studies the tract for about six months and submits his Forecast Report containing proposals

for the conduct of settlement and his estimate of the financial results. This report is published for unofficial criticism.

In the *second stage*, after receipt of orders on his forecast, the Settlement Officer works out his detailed proposals for the fixation of rents by holdings and villages. This corresponds to the stage of distribution in Bombay. But in the C.P., there is no distribution of an aggregate demand, but *the Settlement Officer works out from details to the aggregate*. This is quite the reverse of the Bombay system which works from the aggregate to details. The principal operations of the second stage are the attestation of the annual records and the fixing of individual rents. As regards this, the Settlement Officer submits, for approval, proposals for the formation of groups, for classification of soils and for the relative valuation of his soil classes. On these points, he obtains the orders of the Settlement Commissioner. Then group by group, he classifies the soil, and by applying the soil-unit system described below, he gauges the pressure of rents and proceeds to fix new rents. Then he submits his proposals for orders of Government. On receipt of the orders of Government, he announces the assessments. This is the last stage.

Such is the settlement procedure in brief. It is however detailed below in order to appreciate the various stages of those operations. The whole process is dominated and the demand itself in no small degree determined by the minute attention bestowed on the rent-paying capacity of each cultivator.

8. *Soil Classification:*

The soil classification forms the basis for the valuation of all agricultural land in the State. In the classification, three main factors that have to be taken into consideration are the nature of the soil, its advantages or disadvantages of position, both natural and artificial, and its situation in the village. The scheme of classification should, as far as might be necessary, recognise all these factors. The Settlement Officer had to finalize this scheme after consulting the Malguzars and cultivators and to submit it for the orders of the Settlement Commissioner. The Settlement Officers were not expected to make any scientific and elaborate classification of soils but framed the classification with a view to fixing fair rents only and to estimating the pressure of rents fairly accurately. It was generally found that in tracts where the pitch of rents was low, a simple

system of classification answered all requirements, and where the pitch of rents was high, the greater differentiation was needed to gauge the pressure of existing rents for the purpose of working out a fair scheme for their enhancement. In the previous two settlements (the third round of regular settlements is in progress), the soil had been classed according to a detailed scheme of classification. Generally, the Settlement Officer did not disturb the classification made previously by the Settlement Officers and took it as a basis for resettlements. No definite rule could be laid down for the scheme of classification but the following two fundamental principles were observed:

- (1) The scheme should be as simple as was compatible with the proper valuation of land in relation to the pressure of rents.
- (2) Any changes made in the scheme adopted at the last settlement should be as few as possible and should be fully explained and justified. Unless the scheme of classification had been altered, the operations for classifying land should be mainly directed to checking the previous classification and correcting mistakes; and the classification of a field adopted previously should be accepted until it was found wrong.

After the scheme of classification was approved by the Settlement Commissioner, its application in the field was a comparatively simple affair.

9. *The Soil Unit System:*

Unlike Bombay system of soil-anna classification, in the Central Provinces the peculiar system called the Soil Unit System prevails. In revising the rental demand of a tract, the Settlement Officer adopted as his unit of valuation the village or mahal, and before an attested rental demand or the land valuation in any village could be revised, it was necessary to compare its pressure in other villages. For this purpose, the scheme of classification as detailed above is necessary. After such classification, it is possible to allot to each kind of soil a figure or 'factor' to show its value in relation to other soils. In practice, it is usual to speak of an acre of land as containing as many soil units as the number selected as its factor. Thus, in the case of three soils, A black and fertile, B medium, and C poor for which the factors taken may be 32, 16 and 4, i.e.

An acre of A contained 32 soil units

"	"	"	B	"	16	"	"
"	"	"	C	"	4	"	"

Thus, an acre of A soil was worth approximately twice as much as an acre of B and eight times as much as an acre of C. *The 'soil unit' might then be defined as the 'unit of relative value of different classes of land'.* For example, a village has an aggregate area of 410 acres with 150 acres of A soil, 100 acres of B soil and 160 acres of C soil, then the soil units of the whole village work out to 7,040 soil units as under:—

$$\begin{array}{rcl}
 150 & \times & 32 = 4,800 \\
 100 & \times & 16 = 1,600 \\
 160 & \times & 4 = 640 \\
 \hline
 & & 7,040 \text{ soil units.} \\
 & & \hline
 \end{array}$$

Suppose the village has an aggregate rental of Rs. 440 (i.e. $440 \times 16 = 7,040$ annas), i.e. 1.00 anna is the unit incidence which indicates the rental pressure within the area. The rate per acre for each class of soil in a holding will thus be the unit incidence multiplied by the factor for each class of soil, and the rent of a holding expressed in annas will be equal to the total number of soil units multiplied by the unit incidence of the holding. For example, take two holdings with the soil units as follows:

I.	A soil	10 acres	10	\times	32	=	320
	B "	6 "	6	\times	16	=	96
	C "	5 "	5	\times	4	=	20
		<hr/>					
		21 acres					436

II.	A "	5 acres	5	\times	32	=	160
	B "	6 "	6	\times	16	=	96
	C "	10 "	10	\times	4	=	40
		<hr/>					
		21 acres					296

\therefore Rent Rs. 21.

As the rent of each is Rs. 21 or 336 annas, the unit incidence of the first is 0.77 anna and of the second 1.13 annas compared with the unit incidence of 1.00 anna for the whole village.

Thus, the first holding is paying rent below the average rent of the village, while the rent of the second is well above it. The unit incidence thus enables the Settlement Officer to determine whether the rent is high or low in respect of any holding and in different villages.

In short, the soil-unit system consists of a method by which the differential soil rates may be thrown into a common denominator by reducing the value of each soil to terms of the value of the poorest soil in cultivation. It enables the existing rental incidence of an acre of mixed land to be ascertained with accuracy and the enhancement, which is justified either by prevailing rates or rise in prices to be distributed appropriately over the various holdings of a village.

10. *Grouping of Villages:*

In order to make comparison between villages, the tahsil is divided into groups of villages; which are homogeneous in character and contain 50 to 80 villages. The main point to be taken into consideration in the group-formation is that the areas should be homogeneous enjoying similar facilities of communications and markets and exhibiting similar economic and agricultural features.

11. *Standard Rate:*

Thereafter, the Settlement Officer has to fix the standard rate. In determining such a rate, the following circumstances are to be taken into consideration:

- (1) the present pressure of rents;
- (2) any general rise in that pressure due to enhancement during the currency of the settlement;
- (3) the stability of the tract over a period of years, good and bad;
- (4) the general character and condition of cultivation and the tenantry;
- (5) the presence or absence of markets and trade facilities which provide additional net profits on which the general enhancement of rents throughout the tahsil is ordered;
- (6) the demand for land;
- (7) the rental enhancement which has been fixed for the tahsil or district as a whole.

In fixing the standard rate, the Settlement Officer must satisfy himself that the standard rate selected by him will allow

him to carry out to the full the treatment which he considers desirable for the group. Thus, the standard rate should be kept comparatively low, when nothing more than levelling up of the lowest payments is advisable; on the other hand, if full enhancement is indicated by the general circumstances of the group, he should fix a standard rate which will allow that full enhancement to be imposed with freedom.

12. *Village Rents:*

The Settlement Officer has next to consider on the lines of the standard rate indicated above, the unit rate suited to each village in the group. Taking all those factors into consideration, he will decide what percentage of enhancement, if any, should be taken in the village. Then, he will fix a unit rate for the village, which will produce the required result. This unit rate multiplied by the factor for each class of soil will then give him acreage rates with which to compare the existing rents. These acreage rents will always be considerably below the value of the land, as indicated by sub-rents and the rents paid for *Sir* land, which are the only competition rents.

Having determined the acreage rates for each class of soil in the village, the Settlement Officer will apply those rates to the area of each class of soil in each holding and will thus obtain a rent based on the average rates of the village enhanced to the extent which he considers suitable for the village. This rent so calculated may be adopted for each holding, if all the rents were at the same uniform pitch. But this is seldom the case. The rents so fixed require the sanction of the State Government before they are regarded as final.

The Assessment Report:

When the Settlement Officer has worked out his proposals for all the villages in the group, he has to submit a report giving the results for the group through the Settlement Commissioner for the approval of Government. When the proposals made in the rent-rate and assessment report have been revised, if necessary, according to the orders of the State Government, the next step is the announcement of rents and revenue to the tenants and ex-Malguzars and the final declaration of the amounts payable under the new settlement after considering any objections which the people concerned may have to urge.

Such has been the system of land revenue settlement in the C.P. districts before the abolition of the Malguzari system.

13. *The State of Settlements:*

The present position about the settlement is as follows. The last settlements were made in the 22 districts of the State between 1903 and 1930 generally; some of the settlements continued upto 1948 (*vide* Appendix E). During the last 20 years, no resettlements have been undertaken because of the intervention of World War II, lack of trained personnel and financial stringency.

In future settlements, the main principles and procedure will remain the same but there will be no need to assess the land revenue of the whole mahal as a percentage of its assets, since the unit of assessment will be the holding of the Bhumi-swami and Bhumidhari and tenants and not the mahal (village).

14. *The Land Systems in 1948:*

We have seen that the C.P. area was managed partly by the Malguzars and Zamindars under the Malguzari system and partly by Government direct under the ryotwari system. The number of large Zamindars was very small. The Berar area was managed under the ryotwari system. Lastly, the feudatory States which merged in the State on the 1st January 1948 were managed partly through Zamindars and Thekadars and partly directly by the State.

To sum up, the position of the revenue management at the time of Independence was as under:

Area	Nature of land system	Number of villages covered
1. C.P.	(a) Malguzari and Zamindari system (b) Ryotwari	33,420 2,199
2. Berar	(a) Ryotwari (unalienated) (b) Alienated	6,099 610
3. Merged territories	(a) Thekadari (b) Ryotwari	5,621 4,132

15. *Recent Trends in Resettlements:*

Since the land revenue revisions could not be taken up as and when they fell due, the C.P. Revision of Land Revenue of Estates Act, 1947, and the C.P. Revision of the Land Revenue

of *Mahals Act, 1947*, were passed in order to provide for the speedy revision of the land revenue of the estates and mahals in the State. In the case of the *estates*, the scale of percentage enhancement was prescribed as under:

<i>Percentage as payable immediately before the commencement of this Act</i>	<i>Percentage as enhanced by this Act</i>
(1)	(2)
1. Does not exceed 30 per cent	... 50 per cent
2. Exceeds 30 per cent but does not exceed 40 per cent	... 55 per cent
3. Exceeds 40 per cent but does not exceed 60 per cent	... 60 per cent

In the case of the *mahals*, the land revenue payable for the agricultural year 1947-48 was enhanced from 50 per cent of the Malguzari assets to an amount equal to 75 per cent of the Malguzari assets. Further, the Kamil Jana of a mahal in which the land revenue had been released, compounded for or redeemed in whole or in part, was also raised to 75 per cent of the Malguzari assets.

In January 1954, the State Government proposed average increase of assessment by 30 per cent in the six districts of Nagpur, Jabalpur, Sagar, Wardha, Akola and Nimar on the ground that resettlements had not been made in those districts for nearly 40 years and that the prices of agricultural produce had increased more than five-fold in many cases. The Congress Members of the Legislature took a strong objection to the proposals for enhancement of land revenue on the ground that the increase would not be liked by agriculturists. Even the Chief Minister and the Revenue Minister were heckled when they tried to defend the increase. As a matter of political expediency, the Chief Minister decided to postpone *sine die* the resettlement involving enhancement of land revenue "in the public interest" for the following reasons:

- (1) There was recently a downward trend in the price level of agricultural produce and there was no knowing how long it would last and how far it would go.
- (2) Another important reason was that the Settlement Code was being replaced by appropriate provisions in the Land Revenue Bill which was then before the State Legislature, which would necessitate re-examination of settlement

principles and it would be obviously disadvantageous to commence settlements under one law and to end them under another law which might differ in material particulars.

All the same, the decision to drop the proposals for enhancing land revenue was taken more out of the political expediency than the considerations of the settlement procedure.

The Madhya Pradesh Land Revenue Code, 1954, enacted thereafter contains detailed provisions for the assessment of lands in non-urban and urban areas. Those provisions will be dealt with in the Chapter "Land Revenue Legislation in Vidarbha".

CHAPTER 4

THE LAND SYSTEM—MARATHAWADA

1. *Introductory:*

The Marathawada region formed part of the Hyderabad State, where the land system had been ryotwari like that of Bombay. The assessment was originally based on the quantity of grain sown in a field or on its produce, of which a certain share was taken by the State as revenue. On 'dry crops', the share was about one-fourth of the produce, and on 'wet' lands, irrigated from tanks and wells, the State received half and two-fifths respectively of the produce. When payment in kind was commuted to cash payment, the amount thus fixed became the revenue of the field. A taluk, after it had been surveyed, was divided into groups of villages for the purpose of classification and assessment. The fertility and depth of the soil, the absence or presence of sand, limestone nodules, saline efflorescence and other defects in it, proximity of the group to, or its distance from, centres of trade or railways, and easy means of communication were all factors which were considered in determining the assessment. A standard maximum rate per acre was fixed for the group, and varying rates to be applied to all land in the group were calculated on the basis of its advantages or defects.

No records¹ exist to show what the revenue demand was in early times, but the revenues under the Muslim rule seem to have been generally farmed out. Traces of settlements made by the Bahamani kings and by the Adil Shahi and Kutb Shahi rulers were found in some of the districts; but it was not until Akbar's annexation of Berar in 1596, and Malik Ambar's rule in Aurangabad, that regular settlements were introduced. The Subah of Berar under the Mughals was more extensive than it is now, as it included portions of Sirpur, Tandur, Elgandal, Indur, Nanded, Parbhani, and Aurangabad Districts, which then fell within the boundaries of the Nizam's Dominions. Under Akbar's famous settlement, the assessment was fixed by measuring the arable lands, and making a careful estimate of the produce. Each bigha was then rated at one-fourth of the estimated produce, and the total demand on a village was

¹ *Imperial Gazetteer of India* (Hyderabad State), pp. 59-60.

termed its *tankhwah* or standard rent-roll. In 1600, the province was assessed at 161 lakhs, and during the time of the first Nizam at 120 lakhs.

Telangana during the reign of Abul Hasan, the last of the Golconda kings, yielded a total revenue of 166 lakhs, but the boundaries of the Golconda kingdom then extended as far as the sea-coast, including the Northern Circars. It has been estimated that till 1909, the revenue was about equal to the cash assessments at the beginning of the seventeenth century. During the eighteenth century, the State suffered from the inroads of the Marathas; and when order was restored, the revenues of the State were farmed out to bankers and to Arab and Pathan soldiers, who extorted as much money as they could from the cultivators. The farming system was abolished by Sir Salar Jang immediately after his appointment as Minister, and from that date the prosperity of the people increased.

As Hyderabad was quite adjacent to the Bombay State, its land policies and laws were much influenced by and modelled on those of Bombay. The land system is governed by the Hyderabad Land Revenue Act of 1907 and the rules framed thereunder.

In Hyderabad, the lands were broadly divided into two classes, viz.:

- (1) the Diwani or khalsa lands which had been under the direct management of the State and the revenue of which was credited to Government treasury, and
- (2) the lands, the revenue of which was wholly or partially assigned for some special purpose.

The lands of the second group were further sub-divided into two categories:

- (1) the Sarfekhas area, which comprised 1,961 villages covering an area of 8,000 square miles, was the property of the Nizam and the revenue of which was a contribution to his privy purse till they were made khalsa in February 1949; and
- (2) the lands which had been the subject of the State grants and the revenue from which had been assigned wholly or partially as *jagir* or *Inam* in favour of some person or persons. Those jagirs and the inams have been resumed by the Hyderabad Abolition of Jagirs Regulation

of 1949 and the Hyderabad Abolition of Inams Act, 1954, respectively.²

The Diwani lands are held on the ryotwari tenure and comprised 60% of the State area before integration. Most of the Sarfekhas lands were also held on the ryotwari tenure. After the resumption of the Sarfekhas lands of the Nizam, the jagirs and inams except the lands held for service and devasthan and charitable institutions, all the lands in the State have become ryotwari. Thus, the lands in the Marathawada districts have become ryotwari throughout.

Survey and Settlement:

The Hyderabad State adopted the principles of survey and settlement of the Bombay State. All the settlement operations in Hyderabad have been carried out on the principles laid down in the Joint Report of 1847 of the Bombay State.

For the purpose of survey, a survey number or a recognised sub-division thereof has been adopted as a unit. Lands are measured for areas and soils are classified to get comparative values of their productive capacity on the pattern of the Bombay system. Black cotton soils which are found solely in Marathawada and Kannad-speaking districts have been classified on the basis of their depth, while in the Telugu-speaking districts, their classification has been made on the basis of proportions of sand and clay. Like Bombay, the soil classification has been expressed in annas and deductions are made for faults both constitutional and accidental, which affect its fertility.

In the case of irrigated lands besides their soil valuation with reference to their natural, unirrigated aspect, consideration of character, the value of the means of irrigation is also made, and a water-class value is assigned to them and a consolidated valuation for soil and water is obtained for fixing the assessment. Water-tax is therefore not levied separately.

Like Bombay, the assessment is fixed upon land and does not depend upon the produce or the ability of the cultivator (occupant).

The settlement of land revenue demand is made on each field separately. No attempt is made during settlement to determine the money value of the produce of a field or to fix

² For abolition of the jagirs and inams, please see Chapter 15 on the "Land Tenures".

the assessment at a certain fraction of the net assets. The basis of calculation is, in fact, the former or existing rates considered with reference to altered circumstances such as rise or fall of prices, general improvement of the tract, means of transport, markets, etc. In short, the method of assessment is avowedly empirical as the assessment is not fixed on the bases of net assets, net produce, annual value or annual rent. Generally, land revenue is in practice less than one-third of the annual rent.

The grouping of villages is also made on the Bombay principles. After the completion of survey and classification, the rates of assessment are proposed for different homogeneous groups of villages. After the proposed maximum rates of assessment are approved by Government, the assessment for each individual field is worked out according to its classification value.

The term of settlement has been generally 30 years in the State. It varies from 15 to 20 years in Telangana; but it is 30 years in the Marathawada districts. After the expiry of the settlement period, the rates are liable to revision. This process is called the Revision Settlement. The rates are revised according to the altered circumstances, but the improvements made by the cultivator are not taxed in the resettlements.

3. *Original and Revision Settlements:*

The Hyderabad Land Revenue Act, 1907, provides for legal sanction to the system of survey and settlement and empowers Government to introduce original or revision settlement in any part of the State. It does not, however, regulate the proportion which land revenue should bear to the net assets, rents or annual produce nor does it impose any limitation or enhancements in revenue.

All the Diwani (khalsa) villages have been surveyed and settled. The original surveys of these villages were completed by 1915. By this time, the districts settled earlier fell in for revision. The Revisions are still in progress and in some districts, they are overdue.

After the abolition of the jagirs, the priority to the survey and settlement or resettlement was given to the jagiri villages as there was great disparity of land revenue assessments in those areas and the rates were generally higher than those in the khalsa areas. Owing to the financial stringency and the lack of trained personnel, the revision operations had been held up.

In brief, the initial survey and settlement of the entire State excluding a few ex-jagiri villages has been completed. The Settlement Department is busy with the revision operations, survey and settlement of ex-jagiri villages and the Phodi work under various irrigation projects.

4. *Levy of Special Assessment: The Hyderabad Land (Special Assessment) Act, 1952:*

The elaborate system of revision settlement involving field to field inspection appeared to be expensive and unnecessary. The whole procedure for revision had been examined and curtailed. According to the curtailed procedure, the revisions have been taken up since 1952. In the meanwhile, in order to avoid loss of revenue resulting from postponement of overdue resettlements, the Hyderabad Land (Special Assessment) Act, 1952, was enacted. It came into force with effect from the 1st June 1952. Under this Act, Government has levied special assessment for the agricultural year commencing on June 1, 1952, and subsequent years at a rate of 2 annas per rupee on land revenue on dry lands and one anna per rupee on land revenue on irrigated lands. These special rates are in addition to the normal assessments levied from the Pattadars (occupants). It is not to be levied on the former non-Diwani areas where the assessments have not been brought on a par with the Diwani areas. It is also not to be levied on the lands of the Taluqs shown in the Schedule to the Act which have been resettled during the 30 years before the enforcement of the Act. Government has been empowered to vary the rates, include more areas and notify exemptions. Under the Act, the Hyderabad Land (Special Assessment) Rules, 1952, have been framed and brought into force with effect from 12th December 1952. Under the Rules, the Collector or the Deputy Collector conducting the Jamabandhi has been authorized to levy the special assessment which is to be collected along with the land revenue 'Kists'. It is to be recorded in the Jamabandhi papers till the next revision settlement. In the case of lands which are assessed wet but on which actually dry assessments are collected under the rules in force, the special assessment is to be levied on the dry assessment. It is also to be levied on the 'Siwai' Jamabandhi assessment (excluding the penal assessment) and on the Dhara Khas of the lands used for non-agricultural purposes on which Dhara Khas is collected.

The Rates of Assessment:

The rates fixed for a standard type of soil with 16 annas classification are called the maximum rates. Such maximum rates for dry lands vary from 10 annas per acre to Rs. 3-9-0 per acre, the average for the State being Re. 0-15-6. The rates for the wet lands vary from Rs. 6 to Rs. 18 per acre, the average rate for irrigated land being Rs. 9 per acre. Having regard to the variety of soils found in different parts of the State, the incidence of land revenue can be said to be fairly normal and the rates do not exhibit any appreciable disparity from district to district.³

As regards Marathawada, the average assessment per acre in 1940-41 worked out to Re. 1-0-10 for dry and Rs. 5-13-8 for wet land against Re. 0-14-6 and Rs. 12-6-8 respectively in Telangana. The highest average assessment per acre in Marathawada for dry land was Re. 1-9-4 in the Nanded district. The average rate for garden crops was about Rs. 6-8-0.⁴ The details about the revised rates of assessments in the Marathawada areas are given on pp. 95-6.

Limits on Enhancements in Revision:

The Act does not impose any limit on the enhancement of land revenue in the revision settlements. But in actual practice, the principles laid down in Bombay in 1874 have been followed, viz.:

- (1) The increase of revenue in the case of a taluq or group of villages brought under the same maximum dry crop rate shall not exceed 30%;
- (2) No increase exceeding 66% should be imposed on a single village without the circumstances of the case being specially reported for the orders of Government;
- (3) No increase exceeding 100% shall in like manner be imposed on an individual holding.⁵

The principles of suspension and remission of land revenue generally follow the Bombay pattern.

³ Hyderabad State Memorandum to the Taxation Enquiry Commission (1953-54), p. 50.

⁴ Anwar Iqbal Qureshi: *The Economic Development of Hyderabad* (1947), p. 129.

⁵ *The Hyderabad Survey and Settlement Manual*, p. 139.

Name of the taluq and district	First settlement or revision of settlement	Year of introduction of settlement	Term in years	Range of maximum rates separately for dry and wet lands		Average rates per acre		Net percentage of increase or decrease because of settlement	
				Dry 5	Wet 6	Dry 7	Wet 8	Dry 9	Wet 10
1. Parnada	Original	1885 AD	14 years	Rs. a. p. 1 0 11	Rs. a. p. Nil	Rs. a. p. 0 7 3	Rs. a. p. Nil	Nil	Nil
	Revision I	1906	15 years	0 13 8	"	0 10 4	"	20%	"
	Revision II	1924	30 years	1 4 6	"	0 12 11	"	+ 12½%	"
2. Parbhani Dist.	Original	1885	15 years	1 9 8	5 2 3	Not available as there is no mention in the Jamanabdi Report			
	Revision I	1909	15 years	1 11 5	5 12 6	1 0 4	2 3 1	6%	+ 13½%
	Revision II	1925	30 years	2 2 3	6 13 8	1 6 7	3 8 0	+ 25%	+ 18½%
3. Nanded Dist.	Original	1872	20 years	2 5 8	6 13 8	1 12 6	9 6 10	Nil	Nil
	Revision I	1908	15 years	2 0 7	4 4 6	1 4 9	2 9 2	15%	+ 40%
	Revision II	1927	30 years	1 9 8	9 10 1	1 1 0	4 1 7	+ 11%	- 11%
				1 7 11	6 12 6	0 15 1			
				2 2 3	8 9 1	1 4 10			
				1 13 3					

1	2	3	4	5	6	7	8	9	10
Bidar Dist. 4. Bidar	Original	1888 A.D.	15 years	2 9 1 2 2 3	12 13 8	2 2 6 1 3 4 0 12 10	Not available	Nil	Nil
	Revision I	1904 "	15 years	1 11 5 2 9 1	13 7 11	1 1 4	4 15 8	Nil	5%
	Revision II	1922 "	30 years	1 11 5 3 3 9	12 13 8 4 13 0 3 13 8	1 5 10	6 4 4	+ 25%	- 4.5%
Adilabad Dist. 5. Nirmal	Original	1898 "	15 years	1 8 0 0 6 10	13 11 5 8 9 1	0 10 0	12 9 0	Nil	Nil
	Revision I	1917 "	30 years	1 11 5 0 10 3	15 6 10 10 4 6	0 12 6	13 9 6	+ 14%	+ 12½%

CHAPTER 5

LAND REVENUE LEGISLATION—BOMBAY (PRE-ORGANIZATION)

1. *Legislative Background:*

By the common law of India, all lands are liable to the payment of land revenue to the State. Land revenue as an incident of the State overlordship as opposed to the landlordship has been the feature of Indian administration from time immemorial.

In the pre-British times, no attempt was made at a comprehensive legislation for regulating land revenue. But it was regulated by customs and usages and the State orders which had hardened into law. Soon after the introduction of the British rule, the British administrators made attempts at systematising the principles and procedures for the purpose of prompt and smooth collection of land revenue needed for financing the wars in and outside India. To this end, the British framed the Bombay Regulation XVII of 1827. The Regulation was enacted with a view to the protection of the rights of the State and of individuals and declaring the principles of assessing public revenue and its collection. It was the first land revenue law of the Bombay State. In it, we find the genesis of the later settlement law and technique. It fixed the primary liability for payment of land revenue on the person holding the land called occupant. Thus, the origin of the ryotwari settlement wherein the holder of the land was brought in direct contact with the State is to be traced in this Regulation. It may, therefore, be called the foundation-stone of the land revenue legislation in the Bombay State.

This regulation remained in force for half a century till it was repealed by the Bombay Land Revenue Code, 1879. During that period, however, it underwent substantial modifications mainly by the enactment of the Rent-free Estates Act (Act XI of 1852) and the Summary Settlement Acts of 1863 relating to the claims to exemption from payment of land revenue. Further, during that period, the Revenue surveys were carried out in accordance with the principles laid down in the Joint Report of 1847. The Regulation of 1827 had however not provided for the assessment of lands to land revenue according

to a fixed uniform system. All those survey and settlement operations had to be legalized by a Special Act called the Bombay Survey and Settlement Act, 1865. In the application of the Act to the lands in towns and cities, certain difficulties were experienced. In order to remove those difficulties, the Act IV of 1868 was enacted. Besides, several minor Acts had also been passed from time to time with the result that the position in 1875 was that one had to gather the revenue law from the remnants of the partially repealed Regulation XVII of 1827 and the numerous other Acts some of which had, in their turn, again been more or less repealed.

In the meanwhile, in a case before the Bombay High Court, the Chief Justice Sir Michael Westropp strongly repudiated on behalf of the High Court, the assumption by the civil courts of jurisdiction to determine the propriety of land revenue assessments. In order to exclude the jurisdiction of the civil courts in the matter of judging the propriety or otherwise of the assessment, the Bombay Revenue Jurisdiction Act, 1876, was passed. Shri Romesh Chandra Dutt, I.C.S., contended that the legislation was enacted in order to save the heavy assessments fixed in the revision settlement on the basis of the high prices created by the American War.

In order to consolidate several Regulations and Acts and codify them on a uniform basis, the Bombay Land Revenue Code, 1879, was enacted. It repealed all the previous Regulations and Act I of 1865. It was the first and the last attempt at a comprehensive legislation in the British time. It is at present the basis of the land revenue of the State. Its principal provisions are explained below in their proper background. The provisions relating to the non-agricultural assessment are discussed in greater detail because they are comprehensive and complicated.

The subject of the land revenue law may be classified into the following categories:

- (a) the survey tenure: old and new tenures,
- (b) the concept of occupancy of land and the genesis of the ryotwari system,
- (c) the rights and responsibilities of an occupant,
- (d) the non-agricultural assessment, and
- (e) the realization of land revenue.

(a) *The Survey Tenure : the Old and New Tenures:*

In the Bombay State, the land tenures could be divided into (a) the survey tenure, (b) the inam tenures, and (c) the non-ryotwari tenures. It is proposed here to deal with the survey tenure which is the basic tenure in the State. The inam and non-ryotwari tenures will be dealt with in the Chapter on "Land Tenures".

The survey tenure is one which consists in the occupancy of ordinary (khalsa) Government land. It has two forms, viz. the old or unrestricted and the new or restricted tenure. The difference between them lies in the conditions upon which the land is held by a person. In the case of the old tenure, the right to alienate land by sale, mortgage or any other form of transfer is unrestricted; whereas in the case of the new tenure land, such right is restricted and the alienation can be made only with the permission of the Collector. This restricted tenure came to be adopted in the year 1901 by insertion of section 73-A in the Code in order to safeguard the tenants against themselves and their improvident readiness to alienate their lands to non-agriculturists. In the wake of the famines and plague in the last two decades of the nineteenth century and as a result of the arrears of land revenue in Gujarat averaging about 50% of the total demand, this fact of transfers had become quite patent. The new tenure is best suited to the socially and economically backward areas such as Panch Mahals and those inhabited by Adivasis in the Surat and West Khandesh districts. New occupancies are now generally granted on new tenure only.

(b) *The Concept of Occupancy and the Genesis of the Ryotwari System:*

The question about the occupancy in land is very important from the point of land settlement because the primary liability for payment of land revenue rests on the occupant of the land. And in this responsibility (liability) we have to trace the genesis of the ryotwari system. As stated before, this principle of the direct responsibility of payment of land revenue to Government by the ryots was embodied in section 3 of the Regulation XVII of 1827. "The settlement of assessment shall be made with the occupant of the land. The cultivator, when the land is held by him direct from Government, is to be considered the occupant, and when it is not so held, the person having the highest right in holding . . . is to be so considered." The con-

cept of occupancy in the subsequent years underwent several changes, as the conflict between the 'occupant' and the 'registered occupant' continued till the introduction in 1913 of the Chapter X-A (Record of Rights) in the Land Revenue Code which founded the occupancy on possession. It has made the Record of Rights the record of liability also, which is statutorily placed on the occupant (*vide* section 136 of the Code). Section 54 of the Code embodies the principle of the ryotwari system, which was first incorporated in the Regulation XVII of 1827. Thus, the principle of State ownership over all lands in the State was introduced with the result that the persons who hold lands in their own right do so as *occupants and not as proprietors*.

(c) *Rights and Responsibilities of an Occupant:*

In this background, it is necessary to know the rights and responsibilities of an occupant under the ryotwari system obtaining in Gujarat and Maharashtra. An occupant under the old tenure has a right of transferability, which his counterpart under the new tenure has not. Barring this right, occupants under both the old and new tenures are on the same footing. They enjoy rights to inherit and resign the land, to enjoy all improvements during the settlement guarantee, to trees which are not reserved by Government and to enjoy all the alluvial formations adjacent to their holdings. On the side of responsibilities, they are primarily responsible for payment of land revenue and cesses to Government for construction of boundary marks and keeping them in good repairs and for reporting acquisition of any right within a period of three months.

(d) *The Non-agricultural Assessment:*

Unlike the agricultural assessment which is fixed on the capability of the land under the land revenue settlements, the non-agricultural assessment is levied on the use and not the quality of the land. Accordingly, the land revenue is assessed with reference to the use of the land for the purpose of (1) agriculture, (2) building, and (3) a purpose other than agriculture or building. When land is used for constructing a residential building or an industrial plant, the owner of the land gets an unearned increment in the land values mostly due to the expenditure incurred out of public revenues either by Government or local bodies. The non-agricultural assessment is levied in such cases in order that Government may get a share from the unearned increment realized by the owner of the land.

It is a significant circumstance that till the end of the last century, non-agricultural assessment levied for conversion of agricultural land to non-agricultural uses was tantamount to a fine for diversion of agricultural land to other uses. With the development of non-agricultural uses, that conception was replaced by a system of assessment on the basis of uses. Still, however, the last paragraph of section 65 of the Land Revenue Code provides for levy of fine and special assessment for non-agricultural uses. This is the last vestige of the non-agricultural assessment being a fine.

While practically all lands used for agricultural purposes pay some assessment either as a result of the regular settlement or on an *ad hoc* basis, a considerable portion of the lands used for non-agricultural purposes is held free from assessment by customary usage. Some land has been sold revenue-free in perpetuity. Alienations of revenue have also been made for municipal or charitable purposes. Further, revenue-free lands vest in certain municipalities, while some lands have been assigned for public purposes, such as playgrounds, cattle-stands, cremation grounds, etc.

The non-agricultural lands broadly fall into the following categories. The *first category* is of the *lands occupied but according to custom not subject to taxation*, though not necessarily exempt if Government chooses to tax them. In this category fall all non-agricultural land known as Gāmtal or village-sites. All lands which at the time of the original settlements were used by farmers for construction of their houses were placed in this category. In towns also, similar concessions were given upto the year 1868, when the city surveys were made in Broach, Surat, Ahmedabad, etc. At the time of the surveys, holders' titles to lands were examined and all lands which enjoyed exemption for 12 years prior to the year of the survey were granted permanent exemption on payment of small fees for the issue of sanads. Thereafter, all the towns in Gujarat and Maharashtra were surveyed and the sanads for the freehold lands were similarly granted by Government. In the case of the lands to which the titles could not be proved by the holders, non-agricultural assessment was levied under the Land Revenue Rules 81 and 82. Non-agricultural assessment to be levied under Rule 81 may be either the agricultural assessment or the rate of assessment which does not exceed one pie per square yard for class II land and two pies per square yard for class I land. However, in the case of sites, which enjoy substantial situational and other advantages owing to urban residential or

industrial development, non-agricultural assessment is levied at a higher rate of 5% of half the full market value of the land.

In the *second category* fall lands occupied on leases entered in the past years under the rules and orders now not in force. In quite a number of cases lands have been leased out by Government for fairly long periods from 100 to 999 years. These leases cannot be legally revised until the lease-period expires.

The *third category* covers lands (1) regularly occupied on payment of non-agricultural assessment, (2) unoccupied waste land not classified as agricultural land given from time to time on payment of non-agricultural assessment, and (3) occupied lands in villages but more generally in towns and cities converted from agricultural to non-agricultural uses which pay non-agricultural assessment. The non-agricultural assessment in this category is based on the full market value of freehold land in the vicinity of such land. Full market value is determined on the basis of sales of unoccupied land in the vicinity. For determining the market value, non-agricultural lands in the cities and towns are divided into zones and the non-agricultural assessment to be applied for a particular unit of land is fixed with reference to the market value of unoccupied lands in that zone. The rate of such assessment was 4% upto the year 1920, was raised to 6% between 1920-28 and has been fixed at 5% of half the full market value since 1928. The rates of assessment had to be varied according to the fluctuations in the market rates of interest on liquid monetary resources.

Unlike the settlement guarantee of 30 years in the case of agricultural lands, the policy in regard to non-agricultural assessment has not been uniform, as will be seen from the diversity in the guarantee periods shown below :

<i>Period of settlement</i>	<i>Period of guarantee</i>
(1) between 1827 and 1865	varying between 50 and 999 years
(2) between 1866 and 1878	30 years
(3) between 1879 and 1905	99 years
(4) between 1906 and 1928	50 years
(5) after 1929	30 years

The legal provisions for levy of non-agricultural assessments are found in sections 48 and 65 of the Code and Land Revenue Rules 81 and 82.

The question of revising these principles of non-agricultural assessment on the basis of the recommendations of the Taxation

Enquiry Commission (1953-54) has been under the consideration of the State Government. Even before the appointment of the said Commission, the State Government took up the question of reorienting the principles of non-agricultural assessment. To this end, a Bill was also drafted in 1952 and was considered by various departments. But in view of the reorganization of the States, it appears that further progress of the Bill was stopped. It is likely that the new State will have to undertake this legislation.

(e) *Realization of Land Revenue:*

As stated above, an occupant is made primarily responsible for payment of land revenue, which is a paramount charge on the land. In realization, Government dues have a precedence over all others. Land revenue is leviable at any period of the year. It can be realized by preventing removal of crop, temporary attachment and management of a village or a share of a village, and adoption of precautionary measures. The arrears of land revenue can be realized by issue of notice of demand, forfeiture of occupancy, distraint and sale of defaulter's moveable as well as immovable property and his arrest and imprisonment. All sums due on account of land revenue, all quit-rents, Nazaranas, succession duties, cesses, profits from land, fees, charges, etc., are recoverable as arrears of land revenue. Thus, the land revenue, which has been the sheet-anchor of the Governments in India from time immemorial, continues to be the stable source of revenue to which even a small holder contributes according to the assessment fixed on the land.

Adoption of the Bombay Land Revenue Code in Saurashtra and Kutch:

The States of Saurashtra and Kutch adapted and adopted the Bombay Land Revenue Code in 1948 and 1950, respectively.

It is little known even amongst the administrators of land revenue that the Bombay Land Revenue Code, 1879, has been taken as a model in framing the land revenue laws by the State Governments of Mysore, Hyderabad, the former Central Provinces, etc. The comprehensive provisions have stood the test of time for over 70 years after its enactment, except the provisions relating to assessment of lands which were, as a matter of political expediency, deliberately kept vague by the British.

The question whether the Code requires to be modified in the light of the fast changing revenue conditions will be considered in the last chapter.

CHAPTER 6

LAND REVENUE LEGISLATION—VIDARBHA

1. *Introductory:*

The early settlements of land revenue in the C.P., even the proprietary rights settlement of the sixties, which had such a decisive effect on the land revenue system of the province, rested on the basis other than that of a statute. The entire procedure was regulated by executive instructions issued from time to time, whether by proclamation such as that issued in 1854 regarding the grant of proprietary rights or by application of rules such as the Saharanpur Rules of 1855 prescribing the half assets rule. The instructions for settlement were embodied in the Settlement Code of 1863.

The status of the absolute occupancy tenant was created by the executive instructions known as Circular G of 1865 and enforced by a stipulation in the *Wajib-ul-arz* executed by the newly recognised proprietor as a condition of his proprietorship. These superior rights depended on the executive orders, whereas the inferior right of an occupancy tenant rested on statutory law.

2. *The C.P. Land Revenue Acts, 1881 and 1917:*

In short, throughout the State, there was little or no law regarding the settlement and collection of revenue beyond what may be considered to be established by ancient usage. A wholly new system of land revenue administration and land-holding with little foundation in ancient custom and usage, had been raised on the basis of executive regulations and instructions and the need of legislation became patent as the questions of rights and liabilities of Government, landholders and tenants arose. In this state of affairs, the C.P. Land Revenue Act was passed in 1881, to save the existing settlements made before enactment of the Act and to give a legal basis for future settlements. It regulated the assessment and collection of land revenue procedure of settlement, preparation and maintenance of the record of rights, survey and village management. The Act was amended in 1889 and remained in force till 1917 when an entirely new Act called the C.P. Land Revenue Act was passed.

The C.P. Land Revenue Act of 1917 retained the substance of the Act of 1881 (as amended) but the provisions relating to

the settlement policy were amplified and systematized. It provided for the publication of the revision proposals for criticism. In regard to the village administration paper (Wajib-ul-arz), the Settlement Officer was required to record arrangements and decide disputes amongst shareholders regarding the system of management of the village.

3. *The C.P. Land Alienation Act of 1916:*

Apart from the Land Revenue Act of 1917, a special legislation called the C.P. Land Alienation Act was enacted in 1916 for the protection of aboriginal landowners and for securing their retention on the land. The Act was applied to such areas and such estates (Adiwasis) which were specially notified. The lands of an aboriginal proprietor could not be alienated to a non-aboriginal without the prior permission of Government.

In Berar, the Berar Land Revenue Code, 1928, which adopted the main principles of the Bombay system, regulated the land revenue system.

4. *The M.P. Land Revenue Code, 1954:*

After the formation of Madhya Pradesh in 1948, the existence of two sets of the land revenue laws for the C.P. and Berar areas became anomalous. The necessity of making those laws uniform became apparent. In order to consolidate and amend the law relating to land revenue, the powers of the revenue officers, rights and liabilities of holders of land from the State Government, agricultural tenures and other matters relating to land and the liabilities incidental thereto in Madhya Pradesh, the Madhya Pradesh Land Revenue Code, 1954, was enacted and enforced with effect from the 1st October 1955. It applies to the whole State excluding the areas to be constituted as reserved forests under the Indian Forests Act, 1927. Since the merged territories are not found in the eight districts forming Vidarbha, the provisions relating to these areas in the Code are redundant for our purpose.

The Act has repealed the C.P.L.R. Act, 1917, the Berar Land Revenue Code, 1928, and the C.P. Settlement Act, 1929.

(a) *Definitions:*

It defines certain terms peculiar to Madhya Pradesh. The 'agricultural year' and the 'revenue year' are separately defined as commencing from a date notified by the State. In

different years, Government notified the 1st April, the 1st May and the 1st June as the days on which agricultural year commenced. The revenue year commences on the 1st August in Berar and the 1st October in the Central Provinces. A 'holding' is defined as a parcel of land separately assessed to land revenue and in reference to land held by a tenant, a parcel of land held from a tenure-holder on lease or on set conditions. The term 'Tahsil' includes a taluq in Berar. The expression 'tenant' means a person holding land from a tenure-holder as an ordinary or an occupancy tenant under Chapter XIV. The term 'tenure-holder' is important and is defined as a person holding land from the State Government as a Bhumiswami or Bhumidhari. The 'urban area' means the area for the time being included within the limits of Nagpur or Jabalpur Corporation or any municipality constituted under the Central Provinces and Berar Municipalities Act, 1922, or any village or group of villages which may be specified by Government as an urban area. And the expression 'non-urban area' is to be construed accordingly.

(b) The Board of Revenue:

On abolition of the offices of the Divisional Commissioners, the Board of Revenue for Madhya Pradesh was constituted under the Central Provinces and Berar Board of Revenue Act, 1949. Those provisions have been amended by Chapter II of the Land Revenue Code of 1954. Accordingly, the Board of Revenue consists of a President and two or more other members appointed by the State. The terms and conditions of service of the members are regulated by the Rules. A High Court Judge of Nagpur or a Deputy Commissioner are qualified for appointment as members of the Board.

The Board has to exercise the powers and discharge the functions conferred upon it by or under the Code and those specified in Schedule I to the Code. The Board shall in respect of all matters subject to its appellate jurisdiction, have superintendence over all authorities in so far as such authorities deal with such matters and may call for returns. Government may entrust to the Board any other powers of supervision and control over the Revenue Officers.

It may make rules for the exercise by a single member or a bench of two or more members of the powers and functions of the Board.

(c) *Liability to Payment of Land Revenue:*

Like the provisions of section 37 of the Bombay Land Revenue Code, 1879, all lands, public roads, lanes, paths, etc. which are not the property of individuals are declared to be the property of the State (section 50).

All lands to whatsoever purpose applied and wherever situate are liable to payment of land revenue to the State. This term 'land revenue' includes all moneys payable to the State Government for land, whether they are described as premium, rent, lease-money, quit-rent or in any other manner (section 51).

The land is to be assessed with reference to the use of the land—

- (a) for the purpose of agriculture,
- (b) as sites for dwelling houses and for purposes other than those specified in item (a) or (c), or
- (c) for industrial or commercial purpose.

Any land used for agriculture is used for any other purpose, its assessment shall be altered *according to the use thereof*. Where land is diverted and land revenue is assessed under section 52, the Deputy Commissioner may impose a premium on the diversion in accordance with the Rules. But on land held in malik makbuza right, no such premium is leviable. For this purpose, the use for cultivation of a portion of land assessed as a site for the dwelling house or making improvement is not to be deemed as diversion of the use.

(d) *Revenue Survey and Settlement in Non-urban Areas:*

Chapter VII of the Code provides for revenue survey and settlement in non-urban areas.

For the purpose of settlement, the State Government may appoint a Settlement Commissioner or additional Settlement Commissioners for controlling the operations of the revenue survey.

The Act specifically empowers the State Government to make inquiry into the profits of agriculture and value of land used for agricultural or non-agricultural purposes. For the purpose of determining the profits of agriculture, the following factors should be taken into consideration in estimating the cost of cultivation, viz.:

- (1) depreciation of stock and buildings;
- (2) the money equivalent of the cultivator's and his family's labour and supervision;
- (3) all other expenses usually incurred on cultivation of land; and
- (4) interest on the cost of buildings and stock and expenditure on seed and manure and other agricultural operations:

The Settlement Officer has to take into consideration the information collected in the course of the inquiry at the time of framing his proposals for assessment rates.

Whenever a settlement in any area is to be made, the State Government may cause a forecast of the probable results of the settlement to be prepared in accordance with appropriate instructions from Government. A notice of the intention of Government for determination or revision of revenue and its terms is to be published for inviting objections, if any. Such forecasts and proposals are to be despatched to every member of the Legislative Assembly not less than 21 days before the commencement of the legislative session. Any member desiring to make any modifications in the proposals shall give a notice of a motion before commencement of the session and an opportunity shall be given for discussion. Further, the State Government has to consider any resolution concerning the said forecast and proposals which may be passed by the Legislative Assembly and objections, if any, before publishing a notification for the proposed revenue survey.

Before undertaking any revenue survey in any area, the proposed survey is to be notified by Government. The Settlement Officer is empowered to divide lands, recognise existing survey numbers, reconstitute or form new survey numbers which may not be less in extent than a minimum prescribed for the various classes of land. The Settlement Officer has also to ascertain and determine the area to be reserved for the residence of the inhabitants for purposes ancillary thereto, and such area shall be deemed to be *abadi*.

(i) *Grouping*: For the purpose of assessment, the villages of each tahsil or a part thereof comprised in that area shall be formed into groups, having regard to (a) physical features, (b) agricultural and economic conditions, and (c) trade facilities and communications.

Unlike Bombay, the Settlement Officer has to inquire into claims to hold land free of land revenue either in whole or in part and shall fix the fair assessment upon such land. If any conditions of the grant have been breached or the term has expired, he shall assess land to land revenue in accordance with the conditions of the grant. If any alienee proves his claim to exemption from payment of land revenue, the case is to be reported to Government for orders.

After completing the necessary inquiries, the Settlement Officer has to forward to Government his proposals for assessment rates for different classes of land in the prescribed manner. The State Government may approve the assessment rates with modifications as it may deem fit. In working out his proposals, he has to calculate the assessment on each holding in accordance with the assessment rates approved by Government. And such assessment shall be the fair assessment of such holding.

In calculating the fair assessment, the following principles of assessment are to be borne in mind:

- (1) Regard should not be had to any claim to hold land on privileged terms.
- (2) *In the case of agricultural lands*, regard shall be had to the profits of agriculture, consideration paid for leases, sale prices of land and principal moneys on mortgages and *in the case of non-agricultural lands*, to the value of land for the purpose for which it is held. The fair assessment for the non-agricultural lands is not to exceed 33 per cent of the estimated rental value of the land. In fixing fair assessment, the improvement made at the expense of the holder are not to be taken into account. Except for special reasons, the increase in the fair assessment of a holding shall not exceed 50 per cent.

After assessment is fixed in the above manner, the settlement is to be announced by a notice in the prescribed manner.

The settlement shall commence from the beginning of the revenue year next following the date of announcement or from the expiry of the previous term of settlement whichever is later. If any tenure-holder is dissatisfied with the new assessment, he may relinquish his holding one month before the commencement of the agricultural year and receive remission of any increase imposed thereby.

(ii) *Term of Settlement*: The term of settlement is not to be less than 30 years. But if in any area, there is rapid exten-

sion of cultivation, agricultural development, etc., Government may fix the term less than 30 years but not less than 20 years.

The settlements made before the commencement of the Code shall be deemed to have been made under this Code.

(e) Assessment and Re-assessment of Land in Urban Areas:

Chapter VIII. of the Code provides for assessment and re-assessment of land in urban areas, used for agricultural or non-agricultural purposes by a tenure-holder and a Government lessee under a lease for thirty years or more granting a right of renewal.

The Deputy Commissioner is empowered to assess a plot whenever it falls due for revision. He is also empowered to divide and sub-divide lands into plot numbers which should be entered in the records. For the purpose of assessment, the area in a town is to be formed into blocks having regard to the use of land for industrial, commercial, residential or such other special purposes prescribed under the Act. With the approval of the State Government, the Deputy Commissioner has to fix the standard rate of assessment per 100 sq. ft. of land in the case of the non-agricultural land and per acre of land in the case of agricultural land in each block in an urban area. Such standard rates are to be published. They (the rates) are to remain in force for *ten years* or till altered.

The standard rate of assessment for lands held for purposes of sites for dwelling houses and for purposes other than agriculture or industrial or commercial purpose, shall be equal to $\frac{1}{3}$ rd of the average annual letting value for the block and half of the said value in the case of industrial or commercial purposes.

The standard rates for lands held for *agricultural purposes* shall be fixed with due regard to soil and position of land, profits of agriculture, consideration paid for leases and the sale prices of such lands.

The maximum and minimum limits for the rate of assessment shall respectively be $\frac{1}{4}$ th and $\frac{3}{4}$ th of the standard rate in force. The Deputy Commissioner has to assess the plot within these limits, having regard to the use, situation and other advantages or disadvantages attached to such plot.

In revision, however, if the revised assessment exceeds $1\frac{1}{2}$ times the land revenue or rent in the case of agricultural lands

and 6 times the land revenue or rent in the case of non-agricultural lands, the revised assessment shall be fixed at $1\frac{1}{2}$ times such land revenue or rent for agricultural lands and at 6 times such land revenue or rent for non-agricultural lands. In revising the rates, the improvements effected at the expense of the holder are not to be considered. The assessment so fixed shall be called the land revenue or rent.

The assessment so fixed is to remain in force for 30 years or for such longer period as may elapse before re-assessment.

Unit and basis of assessment: Formerly, the mahal (village) was the unit of assessment and its net assets, the basis of assessment. But now, a holding in a non-urban area and a plot in the urban area have become the units of assessment. As regards the basis of assessment, the profits of agriculture and the value of land with reference to a particular use have become the basis of assessment in the non-urban and urban areas, respectively.

It should be borne in mind that the new units and bases of assessment in the non-urban and urban areas have not affected the soil-unit system on which the survey and settlement operations are based in the State.

(f) Realization of Land Revenue:

Land revenue is the first charge on land. The primary responsibility for payment of revenue is on—

- (1) the tenure-holder for his holding, and
- (2) the lessee in the case of a holding consisting of land leased by Government.

In default of the holder, it is recoverable from any person in possession of land. It is payable in the instalments prescribed under the rules. If the land revenue is not paid on the due date, the Deputy Commissioner may impose a penalty not exceeding 10 per cent of the amount not so paid. On failure of crops, Government is empowered to grant remission or suspension of land revenue. The land revenue is recoverable by the coercive processes. These and other provisions are quite analogous to those of the Bombay Land Revenue Code, 1879.

(g) Tenure-holders:

The Act recognises only two categories of tenure-holders, viz. (1) Bhumiswami, and (2) Bhumidhari.

(i) *Bhumiswami*: The expression '*Bhumiswami*' covers any person who at the time of commencement of the Code belonged to any of the following classes and held land as such:

- (a) a malik makbuza or a plot proprietor in the Central Provinces or the merged territories;
- (b) a person holding land as a house-site in abadi in the Central Provinces or merged territories;
- (c) a raiyat malik in the Central Provinces;
- (d) an absolute occupancy tenant in the Central Provinces;
- (e) an occupant in Berar; and
- (f) a person who was an anti-alienation tenant or a tenant of antiquity in Berar in respect of which he has become a lessee of the State under section 68(2) of the Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act, 1950.

Such Bhumiswamis are liable to payment of land revenue which may be land revenue or rent paid by him before.

A Bhumidhari can acquire the Bhumiswami rights on payment of three times the revenue.

A Bhumiswami can transfer any interest in his land. But his right to secure any advance or the right of Government to sell such rights for recovery of such advance of the Tagavi loans or co-operative society is not affected.

(ii) *Bhumidharis*: The expression '*Bhumidharis*' covers any person who at the commencement of the Act belonged to the following classes and held land as such:

- (a) an occupancy tenant in the Central Provinces;
- (b) a raiyat or raiyat sarkar in the Central Provinces;
- (c) a raiyat or tenant in the merged territories;
- (d) a lessee of the State Government under section 68(2) of the Malguzari Abolition Act, 1950, not falling under clause (f) of section 146.

Such Bhumidharis are liable to payment of land revenue which may be land revenue or rent paid by him before.

A Bhumidhari can transfer otherwise than by way of mortgage his interest in the land.

(iii) *Rights and Responsibilities of the Bhumiswamis and Bhumidharis*: The common rights and responsibilities of the Bhumiswamis and Bhumidharis are explained below:

- (1) Their liability to pay land revenue or rent is the same.
- (2) The devolution of the land on death of the tenure-holders by inheritance, bequest or survivorship, subject to the personal law is the same.
- (3) A Bhumiswami has a full right of transfer of his land, whereas a Bhumidhari cannot transfer his interest otherwise than by way of mortgage.
- (4) Both have a right to transfer his right for Tagavi from Government or loans from the co-operative societies.
- (5) Both of them are entitled to make improvements in the land for the purpose of agriculture.
- (6) Both have to apply to Deputy Commissioner for permission to divert the agricultural land to other uses (Section 156 is analogous to section 65 of the Bombay Land Revenue Code, 1879).
- (7) Both of them are entitled to relinquish their lands to Government subject to any rights, tenures encumbrances or equities lawfully subsisting in favour of any person.
- (8) As regards rights to trees in their holdings, all trees in the Bhumiswami's land and all trees other than timber¹ trees in the Bhumidhari's land belong to them. But the latter (Bhumidhari) is entitled to appropriate the produce of the timber trees and to propagate lac on such timber trees but generally not entitled to fell or take the timber of any such tree in his holding.

(h) *Government Lessees:*

A Government lessee is a person who holds land from Government or to whom a right to occupy land is granted by Government or the Deputy Commissioner and who is not a tenure-holder.

In the case of service land, a person holding land on condition of rendering service as a Kotwar shall cease to be entitled to such land if he diverts such land to non-agricultural purposes. Except by a sub-lease for one year, he cannot transfer his interest in the service land by sale, gift, mortgage, etc. If he dies, the land passes on to his successor in office. Such right is not liable to be attached or sold in execution of a civil court decree.

¹ The expression 'timber tree' is defined as trees of Sagwan, bija, shisham, sal, tinsa and ain or saj.

(i) Village Officers and Agency:

Unlike the Bombay Land Revenue Code, detailed provisions for appointment of village officers have been made in the Madhya Pradesh Land Revenue Code, 1954 (Chapter XVII). The Act recognises the following categories of village officers and agency:

- (1) Patels,
- (2) Patwaris,
- (3) Kotwars, and
- (4) Gram Sabha.

The hereditary offices of Patels and Patwaris in Berar have been abolished with effect from 1-10-1956. At present, there are stipendiary Patels and Patwaris in the villages. Their remuneration is fixed by the Deputy Commissioner under the rules. The Patels and Patwaris are appointed for a village and groups of villages.

Kotwars are appointed for each village or a group of villages in Berar only. The Deputy Commissioner has to fix the remuneration of Kotwars in Berar.

Gram Sabha:

For the purpose of the management of a village, Government may establish a Gram Sabha for a village or a group of villages for which a gram panchayat has not been constituted under the Central Provinces and Berar Panchayats Act, 1946. The Sabha is to consist of one Chairman, one Secretary and not less than three other members elected by adult franchise. Their term of office shall be five years. The Sabha will be a body corporate with perpetual succession and common seal with a fund of its own. The Deputy Commissioner has to exercise supervision over the Sabhas. The State Government is empowered to delegate to such Sabha such of the duties of the Patel or any other function in connection with agricultural or industrial development of a village. This is a step towards making the village community the instrument for rural development.

(j) Special Features of the Code:

The Madhya Pradesh Land Revenue Code is thus an omnibus legislation relating to the administration of land and land

revenue, constitution of the Board of Revenue, consolidation of holdings, the tenancy matters, etc.

Its special features are that unlike Bombay, there is a Board of Revenue which is the highest appellate and revisional authority. Further, the method of settlement is based on the soil-unit system and works from the details to the aggregate and not from the aggregate to detail as in Bombay. In the assessment of agricultural and non-agricultural assessment, unlike Bombay, the areas are divided into urban and non-urban and the assessment is levied according to the uses and values of land. It particularly specifies the industrial or commercial uses for distinct levy of non-agricultural assessment. The principles of agricultural and non-agricultural assessment are different.

During the settlement of land revenue, unlike Bombay, the Settlement Officer is empowered to make inquiries into alienations of land and land revenue.

Before the settlement operations are undertaken, a forecast of settlement is to be made. In Bombay, there is no provision for such a forecast in the settlement operations.

In Bombay, we have separate legislative enactments for the agricultural tenancy and consolidation of holdings, whereas in Vidarbha, these matters are provided in the Madhya Pradesh Land Revenue Code itself.

In the Bombay Land Revenue Code, there is no provision for establishment of a Gram Sabha in a village where there is no village panchayat. The Madhya Pradesh Land Revenue Code provides for this. It is a progressive provision in that where a village panchayat is not established, its miniature form—Gram Sabha—should undertake village administration and development.

CHAPTER 7

LAND REVENUE LEGISLATION— MARATHAWADA

1. *The Hyderabad L.R. Act, 1907:*

Before 1907, the land revenue principles and procedures were regulated by the rules and regulations framed by the Hyderabad State. There was no legislative enactment for regulating the land revenue administration. On the model of the Bombay Land Revenue Code, 1879, the Hyderabad Land Revenue Act No. VIII of 1317F¹ (1907 A.D.) was enacted for regulating the land revenue assessment and its administration in the Hyderabad State. It is more or less an adaptation of the Bombay Land Revenue Code, 1879. It would, therefore, be convenient to deal with the common features first and then to dwell upon the special provisions later.

Like Bombay, the chief controlling authority in Hyderabad in all the revenue matters was the Subedar (the Revenue Commissioner) in charge of a division comprising several districts. The posts of the Subedars were abolished after the Police Action in 1949 during the regime of the Military administration.

2. *The Hyderabad Board of Revenue Regulation, 1358 Fasli:*

The Hyderabad Board of Revenue Regulation, 1358F was enacted and enforced with effect from the 1st August 1949. After the reorganization, this Board has been replaced by a Bench of the Bombay Revenue Tribunal for the exercise of the revisional and appellate powers in the revenue cases.

The Board consisted of three members appointed by Government. Government was empowered to appoint more members if necessary.

From the commencement of the Regulation, the offices of the Subedars (Divisional Commissioners) were abolished.

The Board was the Court of Wards for the purpose of the Hyderabad Court of Wards Act and the Chief Controlling Stamp Authority for the purpose of the Hyderabad Stamp Act.

¹ For arriving at the Christian year (A.D.), the figure 590 should be added to the Fasli year.

It was the highest appellate and revisional authority in the State and there could be no appeal against its orders.

Subject to the control of Government, it exercised powers of superintendence, direction and control over all other authorities in relation to land revenue, excise, customs, registration, stamp, etc. The distribution of the work in the Board was functional and not territorial.

Like Bombay, the territory was divided into subas, districts and taluqs. The Collectors, Deputy Collectors and Tahsildars are respectively in charge of districts, sub-divisions and taluqs. The Tahsildar is assisted by Naib Tahsildars. At the village level, there are Patils and Patwaris. In the villages the Mali Patils collect revenue and the accounts of demands and collections from individual landholders are kept by Patwaris. The Patils and Patwaris are both hereditary servants and are known as watandars. They are given emoluments on a fixed graded scale with reference to the actual collections. The question of replacing the watandars by stipendiary village servants was under the consideration of Government in 1954. It is not known whether the administrative change has been made.

In theory, the State is the owner and overlord of all land and private rights are recognised only when and to the extent they are specifically granted by the State. In actual practice, however, the claim of overlordship by the State does not detract materially from the position of the landholders. The landholder is recognised as an occupancy holder (or pattadar). The occupancy like any other private property is permanent, heritable and transferable subject to payment of land revenue (*vide* section 58).

But in respect of certain lands, the permission of the Collector is necessary for transfer of the occupancy (section 58-A and B). These provisions are analogous to section 73-A of the Bombay Land Revenue Code. Thus, the occupancies in Hyderabad are either transferable or non-transferable, i.e. the occupancies are either on old or new (restricted) tenures as in Bombay.

All lands (except lands within village sites in certain cases) whether put to agricultural or other purposes are liable to payment of land revenue to Government. Land revenue is assessed according to the uses and not the value of the lands.

The rights and responsibilities of the pattadars are analogous to those of the occupants in Bombay. There is, therefore, no need to dilate upon them here.

3. *Non-agricultural Assessment:*

Like Bombay, the Act provides that the assessment shall be levied with reference to the use of the land. Government is thus empowered to impose an altered assessment for non-agricultural uses of lands.

In practice, however, most of the lands within or in the vicinity of the growing towns or cities have not been completely assessed for non-agricultural uses. This is due to the defective system of the record of rights and the failure of the revenue staff to bring such lands under the non-agricultural assessment. The existence of the jagirs was a great obstacle in the matter. Besides, along with the rapid urbanization, the maintenance of the existing revenue records has not kept pace.

In order to remedy this state of affairs, the Hyderabad Land Revenue Rules of 1951 were amended in 1952 in order to properly assess the non-agricultural uses of lands in the State. The amended Rule 71 provides that in the event of diversion of *dry agricultural lands* to non-agricultural purposes, the special assessment shall be levied at—

- (a) Rs. 5 per acre in the case of lands situated in the villages of other than the Tahsil or district headquarters;
- (b) Rs. 8 per acre in the case of lands situated in the Tahsil headquarters; and
- (c) Rs. 12 per acre in the case of land situated in the district headquarters:

provided that where such land is situated within the municipal limits of a village having a population of 15,000 or more, the Collector may levy an assessment of Rs. 15 per acre.

In the case of wet land, the rate of special assessment is to be $1\frac{1}{4}$ times the wet assessment if the land is situated in a village other than Tahsil or district headquarters and $1\frac{1}{2}$ times the same, if the land is situated in the Tahsil or district headquarters.

For the purpose of Rule 71 cited above, the lands lying within six miles of the municipal limits of the cities of Hyderabad and Secunderabad shall be deemed to be lands situated in the

district headquarters, so that villages and towns in Marathawada will not come in for higher assessment.

If such area is demarcated by fencing, trenching or wall, only such demarcated area is to be subjected to special assessment. Where no such demarcation has been made, the whole survey number of which the area forms a part shall be charged with special assessment.

There are however certain cases in which exemption from levy of special assessment and ordinary land revenue is guaranteed under Land Revenue Rule 72:

- (1) land used for public purposes like hospitals, schools, orphanages, etc.;
- (2) the places which are subject to local taxes acquired or used for roads, burial grounds, burning ghats, playgrounds and manurial pits and other like purposes which do not fetch any income to the Local Government; but where such lands are diverted to purposes like construction of market, extension of population and slaughter houses, which would fetch income to the Local Government, special assessment is to be levied.
- (3) in villages where no local taxes are levied, lands acquired or used for burial grounds, burning ghats, roads, playgrounds and like purposes; and
- (4) lands acquired for extension of village sites intended for agricultural classes, agricultural labour or scheduled castes.

And such lands are to be excised from the agricultural area.

Thus, the special assessment is levied according as the lands are situated outside or within the Tahsil headquarters or district headquarters generally.

As regards the revision of assessment in the case of the time-expired settlements, the Hyderabad Land (Special Assessment) Act, 1952, has been enacted. As that Act has already been dwelt upon in the chapter on the 'Land Systems', it is not considered necessary to discuss its provisions here.

4. *Realization of Land Revenue:*

The primary liability for payment of land revenue is on the pattadar or occupant. Land revenue is recoverable by major and minor coercive processes analogous to those in Bombay. It is payable in instalments as under:

- (1) I and II (Kharif and Abi) from 1st of January every year,
- (2) III (Rabi) from 1st to 21st April, and
- (3) IV (Tabi) from 16th to 31st June.

In practice, the coercive processes are rarely used.

As a rule, no remission of any kind is granted for dry land. But in exceptional circumstances, such as the widespread failure of crops or other calamities beyond the control of the ryots, remission or suspension of land revenue is granted as a special case. Like Bombay, there is no system of the suspended or other recoverable arrears being automatically written off if they are not recovered within 3 years or if the subsequent years also happened to be bad years.

The Act does not provide for preparation and maintenance of the Record of Rights. But it is provided under the Hyderabad Record of Rights in Land Act of 1346 Fasli and the Hyderabad Record of Rights in Land Regulation No. 58 of 1358 Fasli. The provisions are quite analogous to those of Bombay.

5. *Conclusion:*

In short, in Hyderabad, like Bombay, the land system is ryotwari. The system of survey and settlement follows the principles of the Bombay Joint Report of 1847. The Hyderabad Land Revenue Act of 1907 is modelled on the pattern of the Bombay Land Revenue Code, 1879. In the circumstances, no fundamental changes will have to be made in the prevailing land system of Marathawada. Of course, the revised principles of revision settlement of land revenue of Bombay will have to be applied in due course.

CHAPTER 8

THE REVENUE ACCOUNT SYSTEM: BOMBAY (EXCLUDING THE KARNATAK DISTRICTS)

1. *Introductory:*

The present system of the revenue accounts in Bombay has been the product of trial and error and experimentation for over a century by several officers of the Revenue Department. Its necessity was first felt by John A. Dunlop soon after the introduction of the British rule in the Bombay State. He, therefore, introduced a bound Day Book and Ledger and the Akarband in 1825-26. In 1833, Williamson first devised the receipt books for the land revenue collection. In 1834, Kulkarnis and Talatis were appointed in the place of the indefinite body of watandars who were the instruments for collection of village land revenue. That year also saw the substitution of 'quarters and reas' by annas and pies in the accounts. The Remittance Books were opened in 1838-39. The Ankushi rupees were changed to the Company's rupees from May 1838 by deducting 4 per cent from all assessment. Thereafter in 1850, Mr. G. T. Blane prepared a complete set of revised accounts. In 1869, the British Government appointed a Committee in order to systematize the accounts. On the basis of its recommendations, Sir Theodore Hope combined all those disjointed forms of accounts and prepared the first Manual of Revenue Accounts in 1869-70. What was aimed at then was not the theoretical perfection but satisfaction of the day-to-day needs of the revenue administration.

In accordance with the recommendations of the Committee appointed in 1884, the Manual was revised by Mr. W. P. Symonds in 1887. The Jamabandhi forms which related to land and land revenue statistics were simplified and harmonized with the provisions of the Civil Account Code. This revised Manual remained in force till it was revised and re-written by Mr. F. G. H. Anderson in 1914. Then, there existed, a multiplicity of forms of accounts at the village, taluka and district levels. There were in use 42 Village Forms, 52 Taluka Forms and 16 District Forms along with a large number of variable unprescribed forms explaining the other 16. Anderson reduced them to 34 Village, 44 Taluka and 14 District forms with no addenda. As many forms and statements were amalgamated,

the reduction in bulk was far more striking than the reduction in the number of the forms.

The changes since 1895 were far-reaching in several respects. To begin with, the Record of Rights Act was enacted in 1903 and the revenue accounts came to be based on that record. It also made it necessary to measure sub-divisions of survey numbers. The grants of suspensions and remissions were systematized necessitating maintenance of elaborate accounts. Besides, the introduction of the new system of boundary marks, the counterfoil receipt forms and the use of money orders for receipt of land revenue and remittance of refunds and cash allowances, recognition of non-agricultural revenue as a separate head, etc., necessitated revision of several forms.

Before retirement, Anderson revised the Manual in 1929 which was published as its Fifth Edition. The revised edition included the important changes as follows:

- (a) improvement on the Maxwell system of making the Mutation Register the substantive record with the Index of Lands only as an adjectival record of the contents of the Mutation Register;
- (b) the combination of this index with the crop and tenancy records, i.e. V.F. VII-XII;
- (c) the inclusion of the Electoral Roll, based on the holding of land, etc.

At present there are 18 Village, 23 Taluka and 6 District forms of accounts.

Thus, it will appear that in order to provide for the ever-changing revenue conditions, the forms of revenue accounts could not remain static but have been subjected to continuous 'chipping and adding to the old fabric' from 1825 to the present day. Unless they are revised and adapted to meet the changes in the revenue administration, they are sure to lose perspective. In this context, the need of constant adaptation of the forms, even though the process may entail additional burden on the revenue staff at the village and taluka levels, cannot be over-emphasized.

This revised Fifth Edition of the Manual continues in force today with a few modifications here and there. After 1929, no comprehensive effort has been made to revise the Manual in the light of the Land Tenures Abolition Acts, the Bombay Tenancy and Agricultural Lands (Amendment) Act, 1955, and

other legislative measures. In the context of the post-Independence land reforms legislation, it is necessary to revise the Manual. The suggestions for revision of the forms will be made later at the appropriate places.

In the background of the developments of the revenue accounts stated above, it is proposed to deal with each form of such account of the village, taluka and district. It should be emphasized that these forms of accounts are not separate entities; but that they are all parts of a combined and inter-lacing whole, affecting not only Government's revenue and administration, but also every side of the villager's existence. It will suffice to say here that the village forms of accounts are the basis of the revenue accounts on which the superstructure of the Taluka Forms and District Forms is built up. For these reasons, after separate treatment of each form of account, the inter-relations and inter-dependence of each form will be shown. In order to understand these inter-relations and inter-dependence completely, it is necessary to conduct a full audit according to the rules.

2. *Village Forms : I to XVIII:*

We may begin with the village forms of accounts which are written as V.Fs. in the abbreviated form. As stated before, there are V.Fs. I to XVIII which are separately dealt with below.

V.F. I:

This form is the starting point of the land revenue accounts. It exhibits all the alienated and unalienated lands of the village and shows what *fixed* land revenue is derived therefrom. It is prepared at the time of the settlement of the villages and remains in force for 30 years of the settlement period. It is not prepared for the inam villages which were surveyed for the Record of Rights purposes but not settled.

The form shows information relating to maximum rates of dry, garden and rice lands fixed at the time of the settlement, the period of the settlement guarantee, the details about the land tenures, the cultivable land and assessment under dry crop, garden and rice, wells, water share, public rights of way and easements, survey corrections, farm houses, rights to trees, lands not available for cultivation, etc.

Although the V.F. I remains in force for the 30-year settlement period, its abstract has to be prepared afresh every year because

of the constant changes in the area and assessment for several reasons. The abstract gives the following details.

(A) Culturable lands.

(i) Assessed—

(a) occupied khalsa on old and new tenures; and

(b) unoccupied khalsa.

(ii) Unassessed.

(B) Lands not available for cultivation.

(i) uncultivable: Pot Kharab Rivers and Nalas.

(ii) assigned for public and special uses: Forest, grazing areas, cattle-stand, village site, tank, cremation grounds, roads, paths, railways, schools, dharamshalas, etc.

(iii) lands leased out or granted for non-agricultural uses including inams of class VII: bungalows, factories, mills, brick-fields, timber yards, salt-pans, etc.

In view of the comprehensive nature of the abstract, the V.F. V (Tharavband) is founded on it. Thus, this form and its abstract serve as a foundation-stone for other Village Forms.

V.F. I-A:

This form is required to be maintained where there are more than 5 S.Nos. assigned as forest. In case they are 5 S. Nos. or less, necessary particulars are to be shown in V.F. I. The form should show the classification of the forest as Reserved, Protected or in charge of the Revenue Department. This register is to be maintained continuously.

V.F. II:

As the V.F. I deals with ordinary agricultural assessment, the V.F. II deals with the non-agricultural assessment and special assessment. It is divided into three sections, viz.:

(i) land not included in a S.No. but contained in the village site and roads and such other areas;

(ii) land originally included in a S.No. even as pot kharaba but subsequently given out for non-agricultural uses; and

(iii) lands assessed or not assessed but subsequently given on special terms and at different rates or free subject to certain conditions for agriculture, viz. for planting fruit trees or reclamation of khar lands or salt manufacture.

In view of the ever-increasing urbanization of the villages, the non-agricultural activity in the shape of more modern residential buildings, mills, factories and other industrial establishments is increasing. The result is that in some villages, the non-agricultural revenue has exceeded the agricultural revenue. It is, therefore, treated as fixed revenue like the agricultural revenue. For the purpose of distinguishing the permanent or temporary non-agricultural uses, a five-year lease is treated as permanent and its revenue as fixed. Any use of less than 5 years is to be treated as temporary and its revenue as miscellaneous land revenue to be exhibited in V.F. IV and not in this V.F.

The non-agricultural leases are sanctioned for a definite period. So, the village accountant has to keep watch on the lease period. Further, certain leases are granted subject to certain conditions by Government. It is, therefore, necessary to see that no breach of the lease-conditions is made involving forfeiture of the lease.

Annual abstract is to be prepared for posting it into the abstract of V.F. I and V.F. V.

V.F. III:

This form was designed to show all alienations in land and land revenue in a village. The alienations were divided into seven classes as under:

- I. Saranjam and political inams.
- II. Personal inams.
- III. Devasthan inams.
- IV. Paragana watans (permanent—non-service).
- V. Paragana watans (hereditary—non-service).
- VI. Village service inams held by village servants
 - (a) useful to community, and
 - (b) useful to Governmenthereditary and non-hereditary.
- VII. Miscellaneous alienations—non-agricultural for other public purposes.

Alienation may be of grant of soil with or without exemption or grant of exemption from payment of land revenue only. This implies that instead of recovering full assessment as in the case of the khalsa lands, the holder is allowed to enjoy land revenue either in whole or part of the village for various

reasons stated in the Chapter on "Land Tenures". This loss of revenue to Government is called Nuksan. The partial payment he makes to Government is called Judi or quit-rent. Sometimes, there is no Nuksan, but the alienation is nominal. The inams of class VII are really not alienations but assignment of land revenue.

The inams and watans covered by categories I to VI were settled by the British during the British regime according to the exigencies of the administration. They were all recorded in the Land Alienation Registers of the Talukas. After the dawn of Independence, the inams and watans of classes I, II, IV, V and VI(a) have been abolished by enacting special Abolition Acts and Resumption Rules. The inams of class III are retained for a public purpose and those of class VI(b) are continued owing to the prohibitive cost involved in appointment of stipendiary village servants. Thus, this form is much attenuated with inams classes III, VI(b) and VII which are likely to continue till the change in the Government policy.

It is thus clear that by the abolition of inams and watans and by making the alienated lands and villages khalsa, all complications inherent in the grants and maintenance of accounts have been removed.

V.F. IV:

So far, we have dealt with the fixed agricultural and non-agricultural assessment in V.Fs. I and II and Judi in V.F. III. There remains now the miscellaneous fluctuating revenue, which is recorded in this form.

The miscellaneous land revenue may be either agricultural or non-agricultural and may be subject to local fund cess or not. The following items of non-agricultural revenue *carry local fund cess*:

- (1) Non-agricultural rent or revenue from agriculturally assessed or unassessed lands for back years, for broken periods, or short periods less than 5 years and fees for brick-kilns and lime-kilns on the Government waste lands.
- (2) Lump commutation payments not being commutations in perpetuity of land revenue for building or other non-agricultural purpose.
- (3) Rents and royalties for mining leases.

Similarly, the following items of *agricultural revenue carry local fund cess*:

- (4) Assessed waste lands given for cultivation for not more than 5 years.
- (5) Authorized cultivation for periods not exceeding 5 years in unassessed lands.
- (6) Eksali rents of alluvial and other lands.
- (7) Grass or grazing sold by auction on bets, kurans and waste lands.
- (8) Trees and their products.
- (9) Miscellaneous products, e.g. reeds, lac, etc.
- (10) Unauthorized cultivation.
- (11) Occasional water rates credited to land revenue.
- (12) Penal rates for unauthorized irrigation.
- (13) Items creditable to the Public Works Department: incomes derived from (a) sale of grass, (b) grazing, (c) fruits, and (d) melon beds or alluvial lands in tanks and canals.
- (14) Land revenue written off in former years if subsequently recovered.

The following items of revenue *are not subject to local fund cess*:

- (1) Notice fees.
- (2) Chauthai under section 148 of the L.R. Code.
- (3) Fines under the Record of Rights Chapter of the Code.
- (4) Recovery of expenses of sale.
- (5) Fines for appropriating land without permission of Government.
- (6) Occasional nazarana on succession or transfer.
- (7) Ghair Hazari Akar.
- (8) Grazing fees.
- (9) Sale proceeds of occupancy rights.
- (10) Sale proceeds of land or occupancy rights of cultivable land.
- (11) Premia paid on authorized conversions from restricted to ordinary tenure.
- (12) Revenue derived from sale of confiscated crops, etc.

Thus, the miscellaneous land revenue arising in a village from any source pointed out above is to be first recorded in this form and then shown in other V.Fs.

V.F. V (Tharavband):

This form is the keystone of the V.Fs. on which the arch of the T.Fs. and D.Fs. is constructed. It sums up the total demand of land revenue both fixed and fluctuating with reasons for changes therein. It exhibits the information about all the categories of lands and revenues in a village. It is prepared annually and then deposited in the Taluka Office.

It is an important source of information of village lands and revenues. It is, therefore, an important form for audit by the inspecting officers.

V.Fs. VI and VII-XII (Record of Rights):

The present Record of Rights consists of V.F. VI and V.F. VII-XII. The Record of Rights Act was first enacted in 1903. It was repealed and incorporated in Chapter X-A of the L.R. Code in 1913. It should be noted that under the Bombay Act IV of 1913, the Record of Rights is prepared for the agricultural lands and the sporadic plots assessed or held for non-agricultural uses outside the village sites. The Record of Rights provisions are applicable to any town-site but the form in which the register is maintained is prescribed in the City Survey Manual and is called the Property Register. After abolition of the inam and non-ryotwari tenures like the Talukdari, Bhagdari and Narwadari tenures, the Record of Rights has been introduced in those villages. Its provisions apply to all surveyed inam villages.

The Record of Rights is a register which gives in a diary form particulars of (a) all private rights over land whether they have been acquired by registered or unregistered document, by succession, oral agreement or otherwise; (b) rights of owners, occupants, mortgages, tenants or assignees of the rents or revenue thereof; (c) public rights, easements and Government rights; and (d) permanent or long-term tenancies and other vested and contingent interests in land. All such rights are then summarized in the Index of Lands in the serial order of survey numbers in each village. Every distinct occupancy within the survey number is given a separate recognition. The revenue accounts are also based on this record. Thus, the Record of Rights has become a record of liabilities as well as rights. It (the Record of Rights) is a record of possession whether obtained by violent, illegal or fraudulent means. Each occupant is directly responsible to Government for payment of assessment on the parcel

of land in his possession. Thus, the Poklist Khatedar whose name stood in the record without possession of the land before disappears from the accounts. Thus, the term 'Khatedar' has come to mean a person who has a Khata in the V.F. VIII-A and there will be no Khata without actual possession. In respect of the alienated land, the holders thereof are responsible for the Judi to Government.

In this context, it will appear that the Record of Rights is the most important document in the Bombay Land Revenue system. Its conversion to a record of liability, however, has involved the redistribution of assessment. It should be noted that the survey number has ceased to be the unit of assessment, as it was before 1913; but each separate holding, however small, is given a distinct assessment.

The law requires every man to report the acquisition of any right within a period of three months of its acquisition; otherwise he is liable to a fine upto Rs. 25.

Formerly, the Record of Rights was divided into three parts, viz. V.Fs. VI, VII and XII. But now the V.Fs. VII-XII are combined into one and serve the purpose of the tenancy and crop register. All other rights (excluding tenancies) are recorded in V.F. VI first and then indexed in V.F. VII. These registers last for ten years or more and are then re-copied. Thus, V.F. VI is the substantive Record of Rights, in which all the mutations are first entered and after verification and certification they are carried out into V.Fs. VII-XII.

In V.F. VI, the village accountant has to enter all changes in rights which are recorded in V.Fs. VII-XII and all claims to such rights which come to his notice whether on report or his personal observation. Normally, the mutations will have to be based on—

- (1) the registrations by Sub-Registrars,
- (2) inheritance cases,
- (3) transactions effected by unregistered deeds or oral agreements including redemptions of mortgages, leases, raji-namas, etc., and
- (4) superior orders from the civil courts and Collectors.

No difficulty is generally experienced in the mutations of the khalsa lands. But as regards those of the alienated lands, owing to various incidents of inams and watans, the Talati had to be very careful. But now except the Devasthan inams (class

III) and service inams useful to Government [class VI(b)] and miscellaneous non-agricultural alienations (class VII), no other inams and watans survive. The difficulties in mutations are, therefore, considerably reduced. While making mutations in the case of the surviving alienations, factors to be borne in mind by the Talati are whether the profits of the devasthan or dharmada inam lands are not diverted from the institution or whether the institution has ceased to exist or to be used as such; whether the lands assigned for remuneration of the village servants are in possession of the officiator or passed in the hands of the non-watandars and in the case of class VII, whether the terms of the grant are not infringed. The Prant Officer has to pass orders for sanctioning or rejecting mutations in inam classes III, VI(b) and VII.

The Revenue Patils, the Circle Inspectors, the Circle Officers and the Mamlatdars have to check up the entries and except the Patils, the remaining officers have been empowered to verify and certify the entries in V.F. VI.

In the circumstances, the V.F. VI should be maintained up-to-date and inspected minutely by inspecting officers.

V.F. VII-A (Register of Tenancies):

This register is both a register of leases and a part of the mutation register in which only mutations relating to the tenancies are shown. For facility, it has been combined with the crop register—V.F. XII—but the columns relating to crops do not form part of the mutation register.

There are six modes of tenancies, viz.:

- (1) personal cultivation by the occupant himself or hired labour;
- (2) personal cultivation wholly by hired labour by the occupant or his agent subject to personal supervision;
- (3) cultivation by a tenant paying cash;
- (4) cultivation by a tenant paying crop-share;
- (5) cultivation by a tenant paying fixed quantity of produce; and
- (6) cultivation being a mixture of the foregoing forms of rent.

Under the Bombay Tenancy and Agricultural Lands (Amendment) Act, 1955, the modes will undergo change: The first and second modes will have to be combined into one and designated as mode (1). Since the rents are payable in cash only, the mode (3) will survive and the modes (4) to (6) will disappear

from the tenancy register. In short, there will be two modes only.

Under the Tenancy Act, 1948, only three categories of tenants are recognised, viz.:

- (1) permanent,
- (2) protected, and
- (3) periodical for 10 years.

All of them will become occupants on April 1, 1957.

In V.F. VII-A, the modes of cultivation for each agricultural parcel and the tenancies of the non-agricultural plots are shown.

V.F. VII-B:

The form sums up all the modes of tenancies of a village. It does not show the modes (1) and (2) because the names of such occupants appear in V.Fs. VIII-A and XI. This form, therefore, provides for the remaining five modes of tenancies. Under the Tenancy Amending Act of 1955, there will be only two modes, as stated above, with the result that the maintenance of this form will be concerned only with the modes of tenanted lands paying cash.

V.F. VIII-A (Register of Holdings):

The form records all holdings of alienated and unalienated lands and the land revenue—agricultural or non-agricultural—payable to Government by its occupant or holder. It also provides for the local fund cess. The assessment and the local fund cess make the consolidated land revenue of a village. As it shows the liabilities of a landholder, it has to be kept up-to-date in order that no legitimate Government dues escape notice and recovery.

The form is decennial and requires correction when the V.F. VII is re-written.

The Talati has to be careful in recording the date from which the liability to pay land revenue commences or ends in respect of a particular land. Generally, such liability commences on the 1st August in any revenue year. When land is sold and possession obtained before the 31st July, the liability commences on the 1st August following. If any land is resigned before the 31st March, the change and the liability begins on the 1st August following. But if it is resigned after the 31st March,

the holding continues to be liable for the revenue of the following revenue year. Further, when land is taken up on a Kabulayat before the 31st July, the occupant is liable for revenue of the following revenue year commencing on the 1st August, unless otherwise permitted by the Collector. When the land is permitted to be used for non-agricultural purpose or is so used without permission, the liability for non-agricultural assessment commences on the 1st August following the date of permission or the date of commencement of the use. But in the case of temporary uses, it may be collected for the current year. The revenue for broken period is treated as miscellaneous land revenue. In the case of the resumption of the inams, the watans and the non-ryotwari tenures, the liability commences generally with effect from the date of enforcement of the Land Tenures Abolition Acts.¹

All mutations affecting liability to pay land revenue are to be first posted in V.F. VII and then in this form.

The form divides Khatas (holdings) into three sections, viz. Khalsa, inam and non-agricultural with a separate total for each. Such separate treatment is necessary in order to supply information required for the Taluka and District forms.

V.F. VIII-B (Annual Ledger of Dues and Recoveries):

The form is annual. It has two sections, debits and credits, i.e. the demand and recovery. On the debit side, there are all the Government dues shown in V.F. VIII-A. On the credit side are shown the dues recovered with details about suspension or remission of land revenue. A separate V.F. VIII-B for irrigation dues is to be maintained. In the case of persons who hold no lands in the village and there are arrears of land revenue no new Khata is to be opened in his name; but such arrears are to be shown in the Khata known as Makta Khata. The names of the Khatedars are to be written in the alphabetical order.

Changes in the area and revenue may occur due to official changes (viz. grants, resumptions, diluvion, acquisition, etc.) and private changes (viz. sales, partitions and leases, etc.)

On the fixed dates of instalments, the Talati assisted by the village Patel should collect land revenue. If land revenue is not paid on those dates, he will recover it before the 31st July

¹ For the detailed treatment of the problem, please see Chapter "Land Tenures: Liability to payment of Land Revenue".

by coercive processes, if necessary. Before accepting money, the Talati has to ascertain whether the person offering money has a Khata in the V.F. VIII-A. If he has no Khata, he should refuse to accept the money offered. If the remission orders are received after collection of land revenue, the excess amount recovered should be shown as over-collection and carried forward in the accounts of the next year.

V.F. IX (Day-Book and Receipt):

This form is to be maintained annually. Under the provisions of the Land Revenue Code, the Talati has to give a receipt to a person for any amount received by him on behalf of Government. Before accepting money, he has to ascertain from V.F. VIII-B what sum is due from a person and then pass a receipt. A separate receipt is to be passed for each Khata. The number of the receipt should be quoted in the V.F. VIII-B and vice versa the V.F. VIII-A and B Khata numbers should be quoted in the receipt form for the purpose of mutual comparison. As a safeguard, if the Revenue Patel is present, he has to sign the receipt.

The receipt-book recognises three heads, viz.

- (a) *arrears* of all kinds and of all years together;
- (b) *fixed revenue*, khalsa inam and non-agricultural all together; and
- (c) *fluctuating revenue*.

Since all these items are treated as 'consolidated', the local fund cess is not shown separately.

In order to ensure proper check over the receipt-books supplied to the Talatis, Government has issued instructions for maintenance of the register and its check by the inspecting officers such as Circle Inspectors, Mamlatdars, Prant Officers and Collectors.

V.F. X (Chalan of Remittance):

The forms of remittance for land revenue and other revenues have been separately prescribed. After receipt of the revenue at the village, the Talati has to remit the said amount to the Taluka in accordance with the Remittance Rules. The cash should be counted by the Talati in the presence of the carriers and the Patel and placed in a bag together with a slip showing the amount. On the knot should be affixed the paper with the Talati's signature. If the amount is not more than Rs. 100,

one village servant should be sent with the amount. But if the amount is more, two such servants should be sent with the remittance to the Taluka Office, with chalan in duplicate. The Treasury Aval Karkun should receive the same. The coins should be shroffed by the clerk in the presence of the village servant who will return after a fully signed duplicate chalan for the Talati. If any light-weight or counterfeit coin is found during examination, the Mamlatdar will in the first instance make good the loss from his permanent advance, return those coins to the Talati and ask him to make good the deficiency.

V.F. XI (Trial Balance Sheet):

This form is maintained annually. It is a trial balance sheet of all the Tharavband items showing thereby the area (khalsa and inam), the consolidated revenue (arrears, suspended and unauthorised, demand of the current year, both fixed and fluctuating), remissions or writes-off, suspensions, collections and unauthorized balance; over-collections and the instalments of land revenue.

For irrigation revenue, a separate V.F. XI is to be maintained for villages where there are irrigational facilities.

The object of this form is to prevent mistakes by cross check-up. Except in the matter of arrears, it is not a source of any information for the Taluka Accounts.

V.F. XII (Crop Register):

The crop register is combined with V.Fs. VII and VII-A, because it is essential that the facts for both should be ascertained in the same field inspection.

Great care is required in the maintenance of this register. The Talati has to enter the areas and the different crops grown therein. Before doing this, he has to separate pot kharab and fallow areas and the areas under grass and babul trees. Further, where there are mixed crops, the appropriate proportion of each crop is to be ascertained carefully. In dry crop, no area less than one guntha and in the case of irrigated or garden crops, no area less than 1/4th guntha should be recognised.

Thereafter, the trees—fruit-bearing or otherwise—should be noted. In the case of irrigated crops, the nature of irrigation requires to be noted.

Sometimes, a question arises whether the area under grass should be treated as fallow or cropped. The criterion to determine the point is whether the occupant intentionally keeps the land for grass or does he grow grass in spite of his wishes because he cannot help it and does not want it. In all cases, where the land is under grass for a considerable time, grass should be regarded as a crop particularly because it pays the occupant to raise grass and pay assessment thereof.

Crops are either Kharif (monsoon-sown) or Rabi (autumn-sown). Note about the category is to be made in this form.

Diluvion is treated as fallow and the extra crops grown on the alluvion are disregarded.

There are certain areas which are twice cropped during the year. Whenever the land is sown and the seed germinates but yields nothing, it is to be treated as a crop. But if the seed fails to germinate for want of rains and the area is sown with wheat, the area is to be treated as cropped once and *not twice*.

Detailed instructions have been issued by Government for crop inspection before they ripen because the system of suspension and remission of land revenue is based on the annual valuation of crops.

V.F. XIII (Abstract of Crops, Fallows and Irrigation):

This form is an annual form posted after the completion of the second crop inspection. It provides for the totals of all the crops and fallows and irrigation. The area should be agreed with the total area recorded in V.F. I (abstract), i.e. the total assessed occupied area whether khalsa or inam and whether on old or new tenure is to be tallied with V.F. I. Crops found in unassessed or unoccupied land or in lands leased for reclamation or on any other special terms for the *purpose of agriculture* are added but the area occupied by them is not to be agreed with the Tharavband. The area leased out for cultivation by the Forest Department is to be obtained from that Department.

The irrigated crops are to be distinguished by a distinct letter indicating the kind of irrigation over them.

V.F. XIV (Register of Births and Deaths):

This form is to be maintained for the calendar year by the Police Patel and not the Talati of a village. But the latter has to assist the former (Patel) when he is illiterate. The responsi-

bility for maintenance of the register is however entirely his (Patel's). The Patel has to move in the village for collection of information for maintaining the register up-to-date.

Primarily, the statistics of births and deaths are collected for the Public Health Department; but they are now also used as evidence of age, parentage, etc. for litigation, insurance, passport and admission into colleges and Government service.

The form divides itself into (1) births, and (2) deaths sections. The births side provides for the date of birth, sex, name of the child, names of father and grandfather, caste and remarks, if any. The deaths side provides for the date of death, name of the deceased with his or her father's name, caste, age, sex and causes of death with remarks, if any. As regards, births, since the child is not named immediately after birth, the Patel has to make inquiries after a lapse of a few months to ascertain the name of the newly-born child. The entries of all Indian nationals and non-Indian nationals are to be made in the register. In the case of births and deaths, caste is to be recorded. Such a note would enable a Patel to find out the person concerned. The father's name of the child and not the father's name of the mother is to be entered. When a child is illegitimate and when the paternity is not admitted, the name of the mother and her father or mother should be noted.

As regards deaths, the Patel has to be very careful in noting them with causes of illness or accident or murder or any other type of unnatural death. When a child is still-born, no entry is to be made in the death section, but a note 'still-born' is to be made against the birth which is not to be included in the total births. If the child is born alive and dies after birth, it will have to be counted both as a birth and a death in the register.

The Register is to be preserved permanently. At the end of each month, the totals of births and deaths are to be made and a complete copy thereof is to be sent every month to the Mamlatdar.

V.F. XIV-A (Vaccination Register):

V.F. XIV-B (Epidemic Register):

V.F. XIV-C (Daily Report of Epidemics):

V.F. XIV-D (Report of Cattle Disease):

The Vaccination Register is to be filled up by the Vaccinator with the Patel's help. When an epidemic breaks out, the

Epidemic Register is to be filled in and an Epidemic Report is to be sent daily to the Mamlatdar by the Patel. In the case of cattle disease, the village officers have to despatch the report to both the Veterinary Assistant Surgeon and the Mamlatdar on the day they come to know about the disease.

V.F. XV (Quinquennial Statement of Cattle and Resources of a Village):

The form is quinquennial and is to be sent by the Collector to the Bureau of Economics and Statistics, Bombay, for compilation in the prescribed form. It provides 106 columns for—

- (a) cattle such as bulls, cows, buffaloes, sheep, goats, horses, mares, mules, donkeys, camels, pigs, etc.;
- (b) poultry such as hens, cocks, chickens, ducks, drakes, etc.;
- (c) agricultural implements such as ploughs and carts; and
- (d) machinery and implements such as sugarcane crushers, worked by power or bullocks, oil engines, pumps for irrigation, electric pump for tube-wells, oil-engines, water-lifts by Persian wheels and mhots, handlooms and oil-presses.

The form is to be prepared every fifth year. It was last prepared in the year 1956. As in the human census, the number of cattle present at the village at the time of the census should be entered irrespective of the fact whether they belong to the village or not. Bulls dedicated to Gods and let loose and belonging to nobody should be entered at the foot. The Patel has to inquire whether during the census there are any homeless cattle which remain out in the jungles in charge of the wandering herdsmen and do not return to the houses in village by night.

As regards the ploughs and carts, only those which are serviceable should be entered, the broken and useless ones being omitted.

Like the cattle wealth, the information regarding village industries can be obtained from this register. So also the details about the village poultry.

In filling the form, the enumeration is to be made separately for rural and urban areas in each taluka according to the classification made by the Collector. The figures 'reported' and 'estimated' for 'urban' and 'rural' areas are to be reported separately by the Mamlatdar. The present

form given in the Revenue Accounts Manual contains 76 columns which has become out of date. It should be replaced by the fresh form containing 106 columns prescribed by the Bureau of Economics and Statistics.

V.F. XVI (Register of Water Supply):

Like V.F. XV, this form is also quinquennial. The Mamlatdar has to send the consolidated report of his taluka to the Director of Agriculture before the 31st May following the year in which the information is compiled.

The Talati has first to compile information of wells and water-sources in the village-site itself and thereafter in the agricultural lands after examining such sources in each survey number. The water sources may be the Government canals, private canals, tanks and bandharas, wells, budkis and other sources, dhekudis, pumps (oil, steam, or wind power). In the case of irrigation, the area actually irrigated every year has to be shown. The new wells and tanks constructed out of the Tagavi loans should be particularly noted. Further, a river is not to be regarded as a source but all pats, dhekudis, pumps driven by steam or oil-engines or wind-mills and other means of using water should be shown as 'sources'.

The form should be checked by the inspecting officers at the time of crop-inspection.

V.F. XVII (Inward and Outward Correspondence Register):

This form is continuous. It is strictly not a revenue form of accounts but is an inward and outward register of correspondence received and returned by a village accountant. The scrutiny of the register would show how the Talati handles the correspondence and his methods of investigation.

V.F. XVIII (Index of Standing Orders, etc.):

The form is permanent. It is a list of the books, manuals or printed standing orders received by a Talati and a Patel for his use and guidance. This is also strictly not a form of revenue accounts.

CHAPTER 9

THE REVENUE ACCOUNT SYSTEM: BOMBAY (*Contd.*)

3. *The Taluka forms of Accounts: I to XXII:*

We have finished with the 18 Village Forms of accounts. Before we pass on to the 22 Taluka Forms, the 5 tenure and survey groups of villages in the scheme of the taluka accounts should be known. The villages in each taluka are arranged in the following five groups:

Surveyed:

1. *Ryotwari.*
2. *Non-ryotwari.*

A. Permanently settled:

- (i) Talukdari,
- (ii) Khoti (Thana),
- (iii) Mehwasssi,
- (iv) Other leases and Bandi or Udhad-Jamabandi.

B. Periodically (temporarily) settled:

- (i) Talukdari,
- (ii) Khoti,
- (iii) Mehwasssi,
- (iv) Other leases—Kauli, Miscellaneous.

3. *Alienated:*

Class I—Saranjam and political

II—Personal (entire and sharakati)

III—Devasthan (entire and sharakati)

IV—Paragana watans (permanent)

V—Paragana watans (hereditary)

VI—Village service inams of village servants useful to community. (No villages assigned for village service useful to Government.)

*Unsurveyed:*4. *Non-ryotwari tenures:*

A. (i) to (iv).

B. (i) to (iv).

5. *Alienated:*

Classes I to VI(a).

After the abolition of the non-ryotwari tenures, inams and watans, the villages and lands shown at S. Nos. 2 and 3 above except the devasthan inams have become ryotwari. The villages shown as unsurveyed and unsettled at S. Nos. 3 and 5 are mostly surveyed and settled if not permanently at least temporarily under the L.R. Rules 19-O and 19-N. Thus, the former 5 tenure groups of villages in a taluka are reduced or near reduction to the category No. 1 only, i.e. ryotwari—surveyed and settled. This clearly shows that the village revenue accounts have been greatly simplified by the resumption of those inams, watans and non-ryotwari tenures.

T.F. I (The Land Revenue Receipt Register):

The chief function of the Taluka is to focus the accounts of its villages. But there were some items of revenue and some areas of land which did not fall within the boundary of any particular village. This problem arose because of the juxtaposition of the Khalsa villages with those of the former princely States and the Princes having certain inam lands within the ex-British territory. After the merger and integration of the Princely India, those extra-territorial rights have been resumed and their inam holdings in the ex-British areas have been made khalsa subject to the payment of land revenue under the Bombay Land Revenue Code. As a result, there may be Kitta Kalam (extra) items of revenue arising *within* the Taluka area and *outside* the taluka area but not from the extra-territorial areas as before. The charges of the nature of Salami, Chauth, Ghasdana or Sardeshmukhi levied on the land revenue of the States have gone after the integration. They have ceased to burden the Taluka accounts now.

The T.F. I is a treasury form and provides for over-collections, arrears of past years, fixed and fluctuating revenue of the current year, non-tharavband items and notes about refunds of revenue. After entering the fixed and fluctuating land

revenue, the Kitta Kalam (extra items) Tharavband will be drawn up at the Taluka office on the basis of the form of the Tharavband (V.F. V). Certain items which practically bear no local fund cess and which do not belong to any taluka but are collected at the taluka, their demand being not foreseen, they find no place in T.F. IV and T.F. IX. They are called "Non-Tharavband items" and are not to be confused with the Kitta Kalam or Taluka-village items. Such items are record room receipts, sale of useless articles, bhatha and fees received from courts by Revenue Officers, revenue fines, treasure trove revenue, rent under prospecting licences, etc. These items are to be collected *at the taluka and never through villages*.

T.F. II (Register of Leases):

The form is permanent and is based on all the leases and contracts of land for non-agricultural or unusual purposes such as salt-pans, reclamations recorded in V.F. II. Thus, it is a duplicate record of the V.F. II maintained because these leases do not run for the settlement period and the assessment or rent cannot always be traced in the survey records. As its loss would be a serious matter from the point of view of the Government revenue, it is maintained as a check on the Talati's accounts.

The Mamlatdar has to watch every year the dates of the expiring leases. If any lease expires, it is to be struck off from the register. If it is renewed on the same terms, its renewal is to be noted. If the renewal is on revised terms, a fresh entry is to be made.

This register should be examined very minutely by the inspecting officers in order to see that the entries made in the register are according to the orders passed by the sanctioning authority.

For the control of non-agricultural cases, the Mamlatdar has to maintain a note-book in a prescribed form. It is called a N.A. Note-Book.

T.F. III (Register of Alienated Lands):

The form is based on the details given in V.F. III. It is annual but is not re-written till necessary. But every year, the Mamlatdar has to check up whether the conditions attached to the alienated lands are observed or not.

As stated in dealing with the V.F. III, all the inams and watans except the devasthan inams (class III), service inams of

village servants useful to Government [class VI(b)] and the miscellaneous non-agricultural uses (class VII) have been abolished under the Land Tenures Abolition Acts. And these inams are to continue for the reasons mentioned before. The form has, therefore, lost its former complications.

The primary object of T.F. III is to account in detail for the gross alienations deducted in T.F. IX and to show that they can be traced to proper authority. After tallying the postings in this form with T.F. IX, the totals are sent to the Collector for posting in D.F. III.

T.F. IV (Wasulbaki Ledger):

Like T.F. I, this form is annual. It provides for the consolidated land revenue and its collection. The demand side shows the arrears of land revenue, fixed and fluctuating revenue, remissions, suspensions and cancellation of demands. The collection side shows all over-collections, collections made by Talatis and collections made direct at the taluka or advised from other talukas or by transfer credit. Similar form is also prescribed for the irrigation revenue.

The form is balanced every four months. It helps the higher authorities to watch the progress of revenue collection from time to time. It should, therefore, be kept up-to-date. It is to be tallied with V.Fs. IX and XI.

Further, the refunds of revenue whether collected in a former year or in the current year should not be deducted from the current year's collections, but should be noted against the collections in the accounts of the year in which it was collected. This is to safeguard against a second refund of the same amount. It should be remembered that refunds of revenue are not legally claimable after the limitation period of 3 years under articles 16, 62 and 96 of Schedule I of the Indian Limitation Act of 1908. The procedure for refund of time-barred claims is given in Rule 30-A of the Manual of Financial Publications No. 1. Refunds may be made by the ordinary Civil Account Code Procedure on bills countersigned by the Collector or Prant Officer upto Rs. 250 when the Collector's powers are delegated to him.

This is an important form of accounts from which the progress of revenue collection can be watched by the Collector, the Divisional Officer and Government.

T.F. V (Periodic Wasulbaki Patrak):

This form is simply a compilation from T.F. IV by villages and groups of villages. Here, as stated before, the number of groups of villages will be reduced because of abolition of inams, watans and non-ryotwari tenures. Thus, the maintenance of the form is simplified.

T.F. VI (Register of Coercive Processes):

The form is annual. It is divided into two parts, viz. one relating to major processes and the other relating to minor processes. The minor processes consist of demand notices, chauthai fine and distraint of moveables; whereas the major processes consist of forfeiture and sale of occupancy and other immoveable properties of the defaulter.

The form serves three purposes, viz. (1) the compilation of annual D.F. VI, (2) a check over miscellaneous land revenue involved, and (3) the facility afforded to the Mamlatdar to watch the proper completion of these processes. This form is designed to exhibit the extent of pressure required to realize the land revenue in a taluka.

Besides recovery of land revenue, coercive processes are adopted for recovery of Government dues such as income-tax, excise duties, etc. These processes are adopted in order of urgency and exigencies of administration, but there is no compulsion that the minor coercive processes should be first adopted and exhausted before adopting major ones.

T.F. VII (Summary of Balances and Remissions):

The form is annual and a compilation from the abstract of V.F. XI. It provides for the expansion of T.F. V in the matter of authorized and unauthorized balances and remissions including demands cancelled and the items written off as irrecoverable. The *demands cancelled* may be due to increments at the revision settlement having been remitted according to the Igatpuri and Bhiwandi concessions, suspension of sanctioned settlement, quasi-permanent remissions for water-logging, demands cancelled in appeal, etc. The *writes-off* may be due to the arrears on forfeited land left unsold, poverty, death or disappearance of defaulters, etc. The *remissions* proper include those amounts remitted due to natural calamities, automatic remissions, failure of himayat, diluvion, etc.

*T.F. VIII-A (Summary of Village Areas):**T.F. VIII-B (Summary of Village Revenue):*

These forms are prepared on the basis of the totals of the V.F. V compiled into the taluka totals by groups of villages. They are annual.

T.F. IX (Taleband and Proof-sheet of Increases and Decreases):

This form is annual and a final summation of T.Fs. VIII-A and B. Its important function is to exhibit and explain all increases and decreases in area and assessment in a taluka and of proving them to a large extent by the *per contra* entries. Thus, the Jamabandhi returns are greatly simplified.

The form shows acres and the village revenues. Unless this form agrees with other taluka and village accounts by explaining all increases and decreases, the village and taluka accounts cannot be closed finally.

T.F. X (Local Fund Cess Calculation Sheet):

In the village accounts, the local fund cess was collected and credited along with regular land revenue. So far, the Talati added the local fund cess in V.Fs. IV and VIII-A, calculated it upon the total of V.F. V, proved its agreement through V.F. XI, and thereafter dealt with it as consolidated land revenue. These amounts of land revenue and local fund cess are to be separated in the taluka accounts. It is worked out as follows.

Under section 93 of the Bombay Local Boards Act, 1923, the local fund cess is recoverable at 3 annas in a rupee of assessment generally in the non-merged and merged areas subject to the condition that in the case of the merged areas, where the rate of land revenue assessment current therein is higher by 20% or more of the standard rate prevailing in the neighbouring homogeneous tracts of the Bombay State, no local fund cess is to be recovered. The assumption is that the higher rate of assessment includes the local fund cess.

To the gross collections of the consolidated land revenue the following amounts are added and certain amounts deducted as under:

*Additions**Deductions*

- (1) Collections received elsewhere on behalf of the taluka, and
- (2) total net nuksan on inams from T.F. III.

- (1) Collections made on behalf of another taluka, and
- (2) items of miscellaneous land revenue free from local fund cess collected at the village or taluka or Huzur including Kitta-Kalam items.

After such additions and deductions, we arrive at the net divisible *consolidated land revenue* (C.L.R.) of the taluka. Here also, the resumption of inams, watans and non-ryotwari tenures have simplified the calculation process.

It should be remembered that the local fund cess cannot be remitted along with the other land revenue. It cannot be suspended along with the land revenue except on the application of the District Local Board. And this is done in very rare cases only. It has to be collected even when the land revenue is suspended or remitted. Further, when the collection of cess is suspended under section 93(2) of the Bombay Local Boards Act, 1923, the cess due for the year may be paid to the Board by Government in advance recoverable during subsequent years. These provisions wreck our system of consolidated land revenue.

In dealing with V.F. IV, we have discussed the items of land revenue which are subject or exempt from local fund cess. Besides, there are certain purely local fund items such as sand kankar, lime-stone and quarry-fees levied on Government waste land, etc. Such items are credited direct to the local fund cess and do not pass through the Khatas, trial balance sheet or other land revenue accounts.

T.F. XI (Ledger of Instalments):

Besides land revenue, there are several items of Government revenues such as auction sale money, excise fees, contract for tolls and ferries, etc. which are collected in instalments. In such cases the recovery of the prescribed instalments requires to be watched from time to time. Interest is also recoverable on the overdue payments. The form gives full control and facility for collection and audit of such dues.

T.F. XII (Register of Alterations in Cash Allowances):

Before resumption of inams and watans, the cash allowances were payable under all the six classes of inams recorded in V.F. III and T.F. III. During the British regime, they were all settled and recorded in the Cash Alienation Register of each district. After their resumption under the Abolition Acts and the Resumption Rules, cash allowances held for the religious or charitable institutions, patelki service and inferior village service survive. Thus, the maintenance of the T.Fs. XII-XIV has been greatly simplified.

In T.F. XII, there will be very few mutations now.

T.F. XIII (Petakhatavahi of Village Allowances):

Similarly in this form also, there will be a few entries of the inam classes III and VI(b) only. The trouble and time to be spent on payment of such allowances will, therefore, not be considerable.

The allowances other than petty Devasthan and Devasthan compensation bonds when in arrears through non-appearance or neglect of the recipients to send their life certificates for two or more years are liable to percentage deductions respectively at 10%, 15% and 20% for the third, fourth and fifth year in arrears. If the allowances are in arrears for 6 years, they are liable to be struck off from the cash allowance register. But such struck-off allowances may be re-admitted by the Collector if removed by error or if claimed by the registered holders within 12 years from the last payment. At the end of the year, an abstract of the payment is to be prepared.

T.F. XIV (Day-book of Payments of Village Service Allowances):

The abstract of T.F. XII is to be tallied with T.F. XIV. The figures of the total payments are to be sent every month to the District Treasury in order to see that there is no mistake in posting.

There are three sections of this form. Out of these, the section I relating to the Day-book of Payments of Village Service Allowances will continue. But section II relating to the Day-book of Village Service Allowances payable to village servants useful to community and section III relating to non-service allowances to District, Taluka and Village Offices (except for the Devasthans) and section IV regarding Kadim non-service allowances have become redundant by resumption of those

cash allowances. They, therefore, will have to be deleted from the register.

T.F. XV (Register of Payment to Witness and Prisoners):

This form is strictly not a form relating to the revenue accounts. It exhibits expenditure incurred on witnesses and prisoners by the Criminal and Revenue Courts.

The register is kept for the financial year for which the budget grants are given.

T.F. XVI (Register of Permanent Advance):

The register is maintained for the financial year to account for the contingent expenditure incurred by the Mamlatdar to meet all emergent contingent charges including purchases of stationery, diet and fares of witnesses, complainants and prisoners, advances to peons for journey, etc. Generally, a Mamlatdar may have a permanent advance of Rs. 50 or Rs. 100. The contingent bills are encashed from time to time and the permanent advance is recouped. Before April 10, the holder of the Permanent Advance has to submit to the controlling authority a certificate acknowledging that he is in possession of the full amount, part in cash and part in the form of paid vouchers not yet recouped.

T.F. XVII (The Deposit Accounts):

Besides regular deposits brought into the Government accounts under the Civil Account Code Rules, the Mamlatdar has several other kinds of authorized deposits of the following types:

- (1) deposits for the bhatha and journey-money of witnesses who are paid by parties—T.F. XVII-A;
- (2) deposits for copies and searches—T.F. XVII-B;
- (3) miscellaneous deposits of undisbursed pay, travelling allowance, suspense items, etc.—T.F. XVII-C (Hathia Rojmel or Alahida Vahi).

These registers are maintained to account for their deposits and disbursements to the persons concerned. The Mamlatdar has to check up these accounts every month in order to prevent frauds and embezzlements.

T.F. XVII-D (Deposit Accounts):

The register is maintained to account for criminal deposits as well as revenue deposits. The former cover the cases of sale proceeds of cattle from cattle pound, compensation, fine, sale proceeds of unauthorized property, etc. The revenue deposits cover items such as compensation under the Land Acquisition Act, earnest money of sale proceeds in civil court darkhast, etc.

T.F. XVIII (Price Register):

The form T.F. XVIII deals with the retail prices, whereas the form T.F. XVIII-A deals with the wholesale prices. The prices to be recorded are those prevailing on the 1st and the 15th of each month.

The form is very important because under the revised procedure of the revision settlement, the prices of the agricultural produce are to be the fundamental consideration in fixing the rates of assessment. The form has to show the staple products of the locality. The prices to be recorded are those for articles in common use by men earning not more than Rs. 50 per month.

The price of iron used for agricultural implements is to be recorded. The prices of fish, plough-bullocks and sheep are also to be noted.

The Mamlatdar has to check this register personally. When there is abnormal rise or fall in prices, he has to record the causes of such rise after local inquiry.

The abstract of the prices is to be sent to the Director of Agriculture.

T.F. XVIII-B (Wages):

Formerly, this section of wage formed part of the price register. But now it is separately compiled every five years. It is compiled under the direction of the Director of Agriculture. But the District Inspector of Land Records and not the Mamlatdar is locally responsible for its preparation.

The form is divided into three parts, viz. (1) skilled labour, (2) ordinary labour, and (3) field labour, for men, women and children.

This form has become very important now because of the enactment and enforcement of the Minimum Wages Act of 1950. It should, therefore, be filled in very carefully.

T.F. XIX (Rainfall Register):

The register is kept at the Taluka Kacheris and at other places to which gauges are supplied. It is maintained for several calendar years, because it is generally required to be maintained for 4 months in a year.

In order that the correct rainfall may be recorded, the rain gauge should be firmly fixed and placed in an open space with no trees or buildings within 30 yards. Its rim should be one foot above the ground, accurately level, properly circular and 5 inches in diameter. The gauge should be examined regularly at 8 a.m. and the register filled in accordingly.

In the register the Mamlatdar has to note the fact whether the rainfall was sufficient, normal or otherwise; whether beneficial or injurious to staple crops; whether any defect or disease in crops is attributable to any particular fall or to absence of rain in any period, whether the rain promoted or retarded any agricultural operations, whether the condition of crops is good or not, etc.

The weekly return is to be submitted to the Collector by the Mamlatdar and the Collector has to submit weekly return to the Director of Agriculture.

Even when a gauge has been supplied to local dispensaries, the Mamlatdar has to obtain the rainfall figures from them and submit returns as stated above.

T.F. XX (Agricultural Return—I—Crops):

This form is based on the V.F. XIII. All such reports of crop forecast received by May of each year for villages from the Talatis concerned will be compiled by the Mamlatdar and submitted to the Director of Agriculture.

The villages are grouped according as they are ryotwari, non-ryotwari, alienated, etc. As stated before, in view of the abolition of such tenures, there will be no need to maintain these old groupings. There will be two categories, viz. ryotwari and alienated. Whether the villages are surveyed or not, the estimates of the area and condition of crops of such areas are required. Information about the irrigated crops, fallows and fruit trees is also to be compiled.

This register is to be maintained for a period of not less than 30 years and is very valuable to the Settlement Officers particularly in the revised settlement procedure.

T.F. XXI (Vital Statistics):

This form is based upon the information compiled in V.F. XIV and V.F. XIV-C. On receipt of such reports from the Police Patels of villages, the Mamlatdar has to send a consolidated report to the Assistant Director of Public Health.

The number of old 5 groups—ryotwari and non-ryotwari—is reduced to 2. Thus, the form is simplified.

For cattle disease, the form T.F. XXI-A is to be maintained exactly in the form V.F. XIV-C.

T.F. XXII (Cattle Census):

The form is quinquennial and is based on a similar V.F. XV. This form is compiled by the District Inspector of Land Records into the Agricultural Return II. The reasons for any increase or decrease in any species of cattle are to be recorded in this form.

T.F. XXIII (Water Supply):

This is a decennial form based on V.F. XVI. The information in the usual groups is to be sent to the District Inspector of Land Records who will compile it in the Agricultural Return III for submission to the Director of Agriculture in May every year.

4. District Forms of Accounts: I to VI:

We have finished with the V.Fs. and T.Fs. Now we pass on to the D.Fs. which are only 6 in number. On the basis of the Taluka Forms received from the Mamlatdars, all the District Forms of accounts are prepared by the Collector and transmitted to Government, except the D.F. III relating to the alienations which is sent directly to the Accountant-General.

The four-monthly Wasul-baki Patrak:

This form is framed to show the consolidated land revenue and not local fund cess separately. It is based on the Taluka Forms I and IV.

The main objective of the form is to show and watch by superior officers the progress made in collections of land

revenue and also to ensure that the Treasury figures in T.F. I do not differ from the Departmental ones in T.F. IV.

D.F. I (Broad-sheet of District Areas):

The form is annual and is compiled on the basis of T.F. IX-A without distinction of survey and tenure groups but with a single grand total of the whole district. The figures for increases and decreases in acres with reasons therefor are to be given. It reflects the changes in the area in the whole district which may not generally be many unless development projects are undertaken by Government.

D.F. II (Broad-sheet of District Revenues):

The form is annual and is based on T.F. VIII-B and T.F. V. It gives totals of revenue of the district without distinction of survey and tenure groups. The reasons given for increase or decrease of revenue under a particular head are very important. Thus, it reflects all the changes in land revenue of a district.

D.F. III (Broad-sheet of Landed Alienations):

This form is annual and is compiled on the basis of T.F. III. The increases and decreases due to resumption of alienations are depicted in this form without entering into minute details. This form is to be sent directly to the Accountant-General.

D.F. IV (Incidence of Land Revenue on Area and Population):

This is a quinquennial form of great importance not only to the district but for the entire State and the country. In this, 5 tenure and survey groups are required to be shown, i.e. the tenure-group totals of T.F. VIII-A and VIII-B are to be recorded. It was last prepared in 1950-51. It is being prepared for the year 1955-56. The Collector has to forward the form to the Settlement Commissioner and Director of Land Records for compilation.

The importance of this form has increased after Independence because the information about the incidence of land revenue on area and population in a particular region or State is to be taken into account before formulating any policy relating to the agricultural or industrial sector, and particularly in formulating the taxation policy of Government. In the circumstances, great care and caution is required in compiling this form which should be checked very minutely by the superior officers.

By the abolition of the inam and non-ryotwari tenures, the complications inherent in compiling this form have been removed. Further, the juxtaposition or interspersing of the princely areas in the ex-British areas created complications in working out the population or area for the purpose of the incidence. After integration of the princely India, the difficulty in compilation of the land revenue incidence is removed.

D.F. V (Statistics of Holdings):

This is a quinquennial form of holdings in the district. It was last compiled in 1952-53.

It is divided into holdings classed as A, B and C. The class A covers lands cultivated by the holder personally with or without the assistance of labour. The class B covers those who do not cultivate land personally but by supervision of hired labour generally. The class C covers cases of lands leased out to tenants. The form further divides the holdings into khalsa and inam with the size-groups beginning with "upto 5 acres to over 500 acres". In view of the definition of "personal cultivation" given in the Bombay Tenancy and Agricultural Lands (Amendment) Act, 1955, the distinction between the classes A and B disappears with the result that there will generally be only one class A. In this class, most of the lands will fall and in the present C class, which will have to be classed B, the tenanted lands will be very small in extent. In future, the form will have to be compiled on the principles of the census of land holdings carried out by the Planning Commission during 1953-54.

The form is meant to show whether the landholders cultivate their lands personally or draw rent only by leasing out their lands to tenants. Thus, the extent of absentee landlordism can be ascertained from this form. Because of the errors in the classification, Mr. Anderson observes that "on the whole these statistics will give a fair general view".

The form is concerned with the area of the surveyed Government ryotwari villages only including of course the alienated area found in such villages. It is not concerned with the area in the alienated villages nor with the non-agricultural area. Since the form gives economic statistics of agriculture, the exclusion of the non-agricultural area is understandable. But there seems no reason to exclude the area of the alienated villages, which may be only those held for religious and charitable institutions after the abolition of the inams, watans and non-

ryotwari tenures. It would be proper to include all categories of agricultural lands whether situated in a ryotwari, non-ryotwari or alienated villages; otherwise these statistics would remain imperfect as before. The coverage should be comprehensive and complete.

The method of compiling this form is rather complicated. The Talati should first look into V.F. XI with A, B and C classes of holdings and go actually through the names of the Khatedars. He will ascertain the area held in his villages and other villages whether of the same taluka or different taluka or district. Thereafter, he will note down the names and the areas held by them. Such persons who hold lands in more than one village are called "plural holders". The remaining persons who will be holding lands in a single village will be "single holders". He will then have to prepare six collecting sheets, one for each magnitude (size) group, adding up the number of persons and the area of their holdings under each class. Thereafter, he has to total them up and make a separate total of the areas included in the plural holdings. Then, he should add them at the foot of the collecting sheet for D.F. V and tally the total area with that exhibited in V.F. XI.

After the Talatis have compiled the sheets in this manner, the collecting sheets will be handed over to the Mamlatdar, who will sort out the sheets in the alphabetical order. It is to be seen that the same area is not shown twice in compiling the sheets. After such check-up of any possible discrepancies, different plural holdings are to be entered *on one card for each plural holder*. Then he will find that the plural cards are of two types, viz. (1) holdings in his own taluka, and (2) holdings in other talukas. After compiling the form, the Mamlatdar will send the return to the Collector who will consolidate the holdings for the whole district adding the total area of those parts of holdings which extend beyond his district.

In short, great care is required in compiling information for this form.

D.F. VI (Statistics of Coercive Processes):

The form is annual and is based on the T.F. VI. No further remarks are, therefore, needed.

D.F. VII (Decennial Statement):

Since 1935, this return has been discontinued by Government. Since the non-ryotwari tenures have been abolished from the

Bombay State, the compilation of the form in future would not be necessary.

5. *Conclusion:*

We have passed in review the genesis and growth of the system of the revenue accounts in the pre-reorganization Bombay State. The system has developed by continuous experimentation and trial and error by various officers during the British regime. After the revision of the forms of accounts by Anderson in 1929, no comprehensive revision in the light of the altered revenue conditions has been taken up. The Land Tenures Abolition Acts and the Tenancy Legislation have thrown many forms out of focus and perspective. The revision of the Manual is, therefore, overdue. The broad lines on which the various forms require revision have been indicated in the discussion of the forms themselves. We have reached a stage in the revenue administration, when any tinkering with some forms here and there will not do. A comprehensive revision would alone meet the ever-changing revenue conditions in Gujarat and Maharashtra.

6. *The Revenue Accounts System—Saurashtra and Kutch:*

The revenue accounts system of Bombay has been adopted in Saurashtra and Kutch. There seems, therefore, no need to repeat the same here.

7. *The Revenue Accounts System—The C.P.:*

Owing to the existence of the Malguzari system in the C.P. for over a century, the system of land records and village accounts has been different from the ryotwari areas of Berar.

In the C.P. area, the Deputy Commissioner was enjoined to see that all the *annual papers* were prepared by the village patwaris under section 47 of the C.P. Land Revenue Act, 1917. The integral part of the village records had been the Record of Rights prepared and maintained under section 45 of the said Act.

The Record of Rights of a Mahal comprised the following documents which were drawn up at settlement and revised at each succeeding settlements:

- (1) *Khewat* or a statement showing persons possessing proprietary rights in the Mahal, including inferior proprietors or lessees or mortgagees in possession specifying the nature and extent of interest of each;

- (2) *Khasra* or a field-book in which are entered the names of all persons cultivating or occupying land, the right in which it is held, and the rent, if any, payable;
- (3) *Jamabandhi* or list of persons cultivating or occupying land in a village;
- (4) *Field Map* of the village;
- (5) *Wajib-ul-arz* or the village administration paper.

The Record of Rights of an estate consisted of the *Khewat* and the village administration paper. The record thus defined, unless challenged in a civil court within one year of completion, obtained an evidentiary value; in certain matters, generally speaking, those of public interest, the entries formed conclusive proof; in others of private interest, they carried a legal presumption of accuracy. The broad effect of these provisions was that the civil court must accept as conclusive proof of what they stated practically all entries except those regarding rents and *muafi* or exemption from payment of land revenue.

Certain of these documents, the Field Book, Holding Register and Field Map are maintained as "Annual Papers" and are brought up-to-date annually.

From the above records, other village records were prepared. The *Milan-Khasra* gives an abstract of all land in the *Khasra* showing the area included in the proprietor's home-farm and in tenant and other holdings.

The *Naksha Jinswar* is a statement which varies in different districts to suit the facts. It shows the area under each kind of crop of the *Kharif* (*Sihari*) or autumn harvest, the *rabi* crops, etc.

The *Jamabandhi* called the rent-roll is something more than a list of rental dues. It is a grouping of the fields under the several holdings, whether of proprietors or tenants. But the demands shown against each, the collections and arrears for the year ending 31st May are rental and not revenue demands. The revenue-roll is separately prepared by the *Patwari*. An abstract of *Jamabandhi* is prepared showing the classes of land held by proprietors, held revenue-free, held by tenants, etc.

Receipt book is another record maintained by the *Patwari*. He has to see that every tenant has a *rasid-bahi* or receipt book for his rent-payment.

8. *Village Accounts and Records—Berar:*

In Berar, the Patwari maintains the *Jamabandhi Patrak* or a register showing the fields held by each raiyat and the assessment payable for the year. This is very important for the annual *Jamabandhi* under the ryotwari system. All sorts of changes are recorded in this *Patrak*. Lands assigned for public purposes and waste lands are shown in a supplementary register.

Besides, there is the *lawni kamijasti tippan* showing changes in the occupancy rights. Like our crop register, there is the 'Pere *Patrak*' or the inspection report showing the particulars of the crops raised in each field, the fallows, and the area actually under cultivation.

There is also the *Pautia-bahi*—the receipt book necessary to protect an occupant from the exaction of double payments.

In this area, a survey-numberwise Record of Rights on the Bombay lines was introduced in 1912 and is maintained up-to-date.

After the abolition of the jagiri and izara villages, special staff has been appointed for preparing the Record of Rights for such villages vested in Government.

This was the position of the revenue records and accounts before the enactment of the Madhya Pradesh Land Revenue Code, 1954. The Code provides that there should be a field map showing the boundaries of survey numbers and waste lands for every village. Also, there should be for the abadi of each village a map showing the area occupied by private holders and the area not so occupied and other relevant particulars. If a Gram Panchayat passes a resolution for preparing a map of the village abadi and is willing to contribute to the cost of its survey operations, Government may undertake the preparation thereof (section 102).

It also provides for preparation and maintenance of the Record of Rights of every village showing the particulars about—

- (1) the names of all persons, other than tenants who are holders of land;
- (2) the names of occupancy tenants and protected lessees;
- (3) the nature and extent of the respective interests of such people and conditions attached thereto; and
- (4) the rent or land revenue payable by such persons and other particulars (section 103).

The obligation to report fresh acquisition of rights and the mutations in the mutation register are akin to the provisions in the Bombay Land Revenue Code.

Until the Record of Rights for the C.P. and the merged territories is prepared on these lines, the Jamabandhi for the agricultural year immediately preceding the year in which the Act came into force (i.e. 1954-55) shall be deemed to be the Record of Rights (section 115). Under these provisions, it is proposed to prepare a Record of Rights for the nazul towns and diverted lands.

Since the Malguzari and Zamindari systems in the C.P. and the jagir and ijara systems in Berar prevailed for over a century, the system of land records and accounts were framed to meet those special land tenures. And different land revenue laws, viz. the C.P. Land Revenue Act, 1917, and the Berar Land Revenue Code, 1928, prevailed till their repeal in 1954. In view of these historical facts of the revenue administration, even after the abolition of these tenures, the differences in the land records system in these areas continue.

In the C.P., the villages have been surveyed by a traverse survey followed by a detailed survey; but the field books prepared during the detailed survey have not been maintained. In the Berar districts, there has been no traverse survey; but the survey has been based on the boundary marks of the fields. The field-books of the original survey are maintained.

In Berar, a survey-numberwise Record of Rights was introduced on the Bombay lines in 1912 and is since maintained up-to-date. In the C.P., there is no Record of Rights among the papers maintained by the Patwaris, it being prepared during the settlement. Section 103 of the Madhya Pradesh Land Revenue Code, 1954, provides for maintenance of the Record of Rights on the Berar lines. As a stop-gap measure, an interim Record of Rights in the form of Jamabandhi of 1954-55 has been introduced in accordance with section 115 thereof.

The system of village accounts also differs in the C.P. and Berar, as they were framed to suit the Malguzari system in the former and the ryotwari system in the latter. Now that those special land tenures have been liquidated, and the land system is brought on a par with the ryotwari system in Berar, it is necessary to introduce the regular Record of Rights in the four districts of the C.P. and replace the present system of village accounts by that of Berar.

At present, a Tahsildar has nothing to check and find out the dues from a particular village. So far, he used to watch the recovery of the Government dues on the basis of the *Patwari's* reports every year. This is a serious drawback due to the existence of the *Malguzari* and hereditary *Patwari* systems in the pre-reorganization period.

These revenue accounts will have to be reorientated on the lines of the Bombay system of revenue accounts. Immediately, the V.F.s I, II, IV, V, VIII-B, X and XI require to be introduced. All the Bombay Taluka Forms and the District Forms of accounts require also to be introduced. These changes can be effected by compiling data from the existing forms of the revenue accounts in that area.*

* For the system of the revenue accounts in Marathawada, please see Appendix P.

CHAPTER 10

THE LAND TENURES

Introductory:

In the reorganized Bombay State, the land tenures comprised a congeries of inams, watans, cash grants and non-ryotwari tenures. They originated in the exigencies of administration and the overriding considerations of political expediency. It was not out of any generosity that the previous rulers—whether the Hindu, the Muslim, the Maratha or the British—alienated villages, lands and cash allowances, but all the grants were dictated by the political necessity; the necessity of support to the existing rule and permanent stable revenue to the State. In order to achieve these objectives, the existing leading men such as paragana watandars, inamdars, khots, jagirdars, malguzars, maufidars, etc. were selected and given inams in the form of entire villages, lands, revenues and cash grants. Loyalty to the ruling power formed one of the conditions of the grants. Maintenance of the law and order came next. Lastly, the punctual payment of Government dues after recovering the same in any manner they (the inamdars, etc.) liked was always insisted upon. These were the three main conditions incorporated in the sanads granted by the ruling powers.

Such grants were necessary in those uncertain political conditions, when the means of transport and communications and the art of administration had not developed on the present scientific basis. With the unification of India under the British regime and the advent of Independence, the political need for continuing those inamdars and jagirdars, who were intermediaries between Government and the actual tillers of the soil, did not survive. Such intermediaries outlived their utility in the new democratic set-up as embodied in the Constitution of India. As a result, Government of India laid down a policy for removal of all such intermediaries from the administration by enacting special legislation. In furtherance of this policy, all the State Governments including those of Bombay, Saurashtra, Vidarbha and Marathawada undertook special legislation for abolishing the inams, watans and non-ryotwari tenures. We will see presently that although the objective (abolition of the intermediaries) aimed at has been the same, the ways of achieving that objective differ in the different States owing to the legacy

of the past administrations and political expediency. Consequently, it was not possible to achieve uniformity in legislation in the different States.

1. *The Background of the Problem in Gujarat, Maharashtra, Saurashtra and Kutch:*

The inam, watan and non-ryotwari tenures were found in the old districts of Gujarat and Maharashtra. They were the legacy of the past administrations in those areas and were the products of uncertain political conditions obtaining in the 17th and 18th centuries in India. Creation and continuance of such special tenures affected the social well-being of a large number of persons in the villages, who had to labour for the luxurious maintenance of their overlords, be they Taluqdars, Inamdars, Khots, Saranjamdars, Maleks, etc. Thus was created a class of non-cultivating landlords who banked and lived upon the revenues realized from their inams or watans. They gradually came to be known as superior holders and their cultivators, who became the drawers of water and hewers of wood, as inferior holders. Although many tenures were the legacy of the past administrations as stated before, the British retained them as vested interests to support their new administration. They even created some tenures like the Salsette Khoti. Thus, those special rights in land and land revenue were continued by the British, owing to exigencies of administration and the need of stable land revenue to finance the war in and outside India.

This is briefly the political background of the land tenures that developed in the past. In this context, it is now proposed to briefly review the land tenures of those areas.

In Maharashtra and Gujarat, there were inam, watan and non-ryotwari tenures, which might be divided into proprietary or non-proprietary as under:

GUJARAT AND MAHARASHTRA

<i>Proprietary Tenures</i>	<i>Non-proprietary Tenures</i>
1. Bhagdari & Narwadari.	1. Mehwassii.
2. Talukdari.	2. Maleki.
3. Okhamandal Salami.	3. Watwa Vajifdari.
4. Baroda Mulgiras.	4. Ankadia.
5. Bombay Paragana Watans in Gujarat only.	5. Bombay Paragana and Kulkarni Watans in Maharashtra.
6. Personal inams.	6. Matadari.

*Proprietary Tenures**Non-proprietary Tenures*

- | | |
|--|---------------------------------------|
| 7. Service inams useful to community (in Gujarat and some parts of Maharashtra). | 7. Baroda Watans. |
| 8. Political and Saranjam inams. | 8. Political and Saranjam inams. |
| 9. Jagirs. | 9. Service inams useful to community. |
| 10. Misc. Alienations. | 10. Jagirs. |
| 11. Salsette Khoti. | 11. Misc. Alienations. |
| 12. Kauli and Katuban. | 12. Ratnagiri and Kolaba Khoti. |
| 13. Janjira and Bhore Khoti. | 13. Shilotri. |
| | 14. Bhil Naik Inams. |
| | 15. Janjira and Bhore Khoti. |

Thus, there were 22 special land tenures in Gujarat and Maharashtra; out of which 9 were purely non-proprietary, 7 purely proprietary and the remaining 6 both proprietary and non-proprietary.

(a) *The Gujarat and Maharashtra Land Tenures:*

It is now proposed to deal with these land tenures. All these special inam and non-ryotwari tenures could be further classified into—

- (1) revenue-farming systems such as ankadia, matadari, mehwasai, Bhagdari and Narwadari;
- (2) service inams and watans such as Bombay and Baroda watans and community service inams;
- (3) non-service inams such as personal inams and political and saranjam inams;
- (4) non-ryotwari tenures such as Khoti, Taluqdari, Maleki, Okhamandal, Salami, Baroda Mulgiras and Jagirs, and Shilotri; and
- (5) service and non-service alienations such as miscellaneous alienations consisting of community village service, paraganas, Watans, Giras and Barkhali lands and residual alienations.

The revenue-farming system arose during the rule of the Moghals and the Muslims who being alien to the country had to employ the local leaders and landlords for collection of land revenue and village administration. The Khots, Bhagdars, Narwadars, Ankadedars and Matadars used to collect land revenue on behalf of Government and pay the fixed amount to

Government. In those times of scant communications and transport, such revenue farmers were the cheapest instrument for collection of land revenue, although they, more often than not, became the engines of oppression in the villages. But the safeguarding of the Government revenue by the cheapest method of collection was then the paramount consideration with Government.

As regards the service inams, the paragana watans both in Bombay and Baroda were assigned for remuneration of service. The paragana watandars collected revenues from a group of villages or talukas and paid to Government the amount fixed for any particular year. It was not the concern of Government to lay down rules for recovery of the land revenue, full freedom having been given to the watandars in this respect. However much the British desired to remove them from the village administration, they could not be dislodged easily because they were in the monopolistic possession of the village records and other revenue knowledge. In order to remove the paragana watandars from the village administration, the British Government appointed village accountants for villages and Mamlatdars for each taluka for the revenue administration. Later on, in the sixties of the last century, Government clipped their wings by commuting their service watans and continuing the watan lands and villages subject to payment of judi.

The community service inams were also the legacy of the past administration. The British settled certain inams and removed several useless village servants. But useful village servants were continued with their inams subject to payment of judi to Government.

The non-service inams consisting of personal inams and political and saranjam inams were respectively rewards for services rendered in the past and for maintenance of certain historical families mainly in the Deccan. Theirs was a large body of inams spread over the whole of Maharashtra and Gujarat. They had become frankly non-functional and parasitic.

The non-ryotwari tenures showed a medley of tenures arising out of different political conditions. Most of them were in Gujarat. Out of them, the Talukdars were most important. The Talukdars were not the grantees of the British and enjoyed rights to mines, minerals, trees and forests antedating the advent of the British. Their lands were neither alienated nor unalienated. In this category fell the Baroda Mulgirasias who

enjoyed similar proprietary rights in their villages. The Maleki tenure arose out of the grant of some villages by Mahmad Begda to the Malekjadas of the Thasra taluka for showing valour in the conquest of the Pawagadh fort in Panch Mahals in 1483. Originally, the Maleks were the owners of the villages, but the British reduced them to the position of sharers of 7 or 9 annas' revenue from their villages by getting an agreement executed by the Maleks in the sixties of the last century. The Jagirs covered a maze of entire villages alienated by the rulers of States, non-jurisdictional Thakors and estate-holders, who executed the Zamindari agreements on integration in 1948-49. It included grants of entire villages made by or recognised by Government.

Lastly, the miscellaneous alienations of the merged territories covered alienations, such as community village service inams, paragana watans, Baroda Giras, wanta and Barkhali lands and other residual alienations. Thus, they comprised both service and non-service alienations.

Those tenures were scattered over different districts in Gujarat and Maharashtra. For facility of locating those tenures, their situation district-wise is shown in the following table:

GUJARAT AND MAHARASHTRA

<i>Name of the Tenure</i>	<i>District</i>
1. Bhagdari and Narwadari	Broach, Kaira, Surat & Panch Mahals.
2. Mehwassi	Panch Mahals (Kalol taluka).
3. Maleki.	Kaira (Thasra taluka).
4. Talukdari	Broach, Kaira, Panch Mahals, Ahmedabad, Amreli, Mehsana and Sabar Kantha.
5. Vatwa Vajifdari rights	Ahmedabad (Vatwa).
6. Paragana watans	Ahmedabad, Kaira, Panch Mahals, Broach, Surat, Amreli and Sabar Kantha and the districts of Maharashtra.
7. Kulkarni watans	Kaira (in Kapadvanj only) and Maharashtra.
8. Personal inams	All districts of Gujarat and Maharashtra.
9. Political inams	- do -

<i>Name of the Tenure</i>	<i>District</i>
10. Matadari	Ahmedabad, Kaira and Sabar Kantha.
11. Mulgiras	Amreli.
12. Okhamandal Salami	Amreli.
13. Ankadia	Baroda, Mehsana, Amreli, Sabar Kantha, Kaira, Panch Mahals and Ahmedabad.
14. Baroda watans	Baroda, Surat, Kaira, Ahmedabad, Mehsana and Amreli.
15. Village Service inams useful to community.	Gujarat and Maharashtra.
16. Jagirs. ¹	Banas Kantha, Sabar Kantha, Amreli, Mehsana, Panch Mahals, Kaira, Baroda, Broach and Surat and some districts of Maharashtra.

(b) *The Saurashtra Land Tenures:*

The Saurashtra was a State ridden by the Girasdars and Barkhalidars. The class of Girasdars included talukdars, mulgirasias and bhayats, who had proprietary interests in the lands and villages held by them. The chieftains who accepted Col. Walker's settlement were known as talukdars. The mulgirasias were descendants of the original proprietors of villages whose possession and ownership of lands antedated the establishment of the various States or estates. In return of protection, they surrendered considerable lands to the stronger powers and were left with small portions of their villages. The term '*bhayats*' included cadets of the younger branch of a chief's or talukdar's family in the cases where the State followed the rule of primogeniture. They received grants in appanage (Kapal garas). Some States like Bhavnagar, Gondal and Jasdan granted garas not in land but in cash only. All these Girasdars were proprietors of their lands and villages. The proprietary rights of the talukdars were safeguarded under the merger agreements executed by them in February 1948, and those of the remaining

¹ About the Konkan tenures, such as khoti, shilotri, etc., a separate chapter is devoted.

Girasdars were not questioned seriously by any. All the Girasdars collected and enjoyed the revenues in their own right. Their proprietary rights, were subject to certain limitations on account of political exigencies or requirements of feudal economy.²

The Barkhalidars were so called because their produce of land remained outside the common threshing floor (*khala*) and was not pooled in the common threshing floor for taking the Rajbhag (Government crop-share). This category included—

- (1) inamdars including the imperial grantees, i.e. grantees of the former paramount power such as Emperor of Delhi, the Peshwa or the Gackwar,
- (2) jiwaidars,
- (3) dharmada and kherati grantees, and
- (4) service tenure-holders such as chakariats and pasaitas.

Such persons had no proprietary interests in the lands but were entitled to the usufruct of their holdings.³ The common feature of these grants was that they were resumable at will by the grantor, although in actual practice, they were generally not resumed except for disloyalty or where the purpose for which the grant was made no longer existed.

The jiwai grants were made for the maintenance of the grantees. They were also given as a reward for meritorious services or as a help to widows or dependants of a chief's family. They were also made for dowry (*Hath-garna*) to the daughters at the time of their marriages. Generally, such grants were life grants only and reverted to the State on the death of the grantees.

The dharmada or kherati grants comprised grants to the religious institutions and individuals. The grants to the institutions were not liable to resumption generally. The grants to individuals were to certain pious castes such as Brahmins, Charans, Barots, etc.

The service tenure was created for providing service emoluments in the shape of lands for village service. The Mehrs of Porbandar and Maiyas of Junagadh held holdings of a special category of the service tenure.

² *Report of the Saurashtra Agrarian Reforms Commission* (1950), p. 16.

³ *The Report of the Saurashtra Agrarian Reforms Commission* (1950), p. 21.

The Kutch Land Tenures:

The land tenures in Kutch are peculiar. Broadly speaking, there are three main types of tenures in the State, viz. (1) khalsa, (2) pasa, and (3) varduka. About half the number of villages in Kutch is non-khalsa held by the Girasdars paying nothing to the State Government. Practically, half the number of villages pays land revenue to Government.

As regards the khalsa tenure, the ryotwari system prevails in the khalsa villages. The cultivators have inalienable and heritable occupancy rights in respect of the lands under their cultivation.

The second type of the land tenure is called the *Pasa tenure* which is found in the non-khalsa lands and villages. The lands are held wholly exempt from payment of assessment. This tenure may be classified into (1) Dharmada, (2) Danodi, and (3) Chakariat. Dharmada lands are dedicated to the temples or deities mostly by the former Rulers of Kutch. Danodi lands are lands given as 'dan' (donations) to Brahmins, Charans and Pirs. Chakariat lands are gift lands alienated from time to time by the former Rulers of Kutch in lieu of services rendered.

Lastly, there is the *Varduka tenure*, in which the actual owner of the land paying 'Virad' or fixed amount in cash is considered the owner thereof. The fixed sum is assessed either on the whole village or on individual holdings by persons of a cattle-breeder's community. The lands are held subject to the condition that it shall be resumed by the State (a) on failure of male heirs of the body of the original grantee in the male line or (b) on the happening of any definite contingency other than the one referred to in (a) above. Such lands are inalienable. There is, however, very little area under this class of tenure.

In the background of the problem stated above, it is now proposed to review very briefly all the land tenures of the State and the legislative attempts at their abolition. In the nature of things, only the broad features of each tenure can be stated with its possible effects on the condition of land ownership, agricultural production, and the social well-being of the village community as a whole. The tenures are, therefore, dealt with below according to the regions of Gujarat and Maharashtra, Saurashtra and Kutch. Separate chapters are devoted to such tenures in Vidarbha and Marathawada.

THE LAND TENURES ABOLITION ACTS

A—GUJARAT AND MAHARASHTRA LAND TENURES

(1) *The Bhagdari and Narwadari Tenures:*

The Bhagdari and Narwadari tenures obtained in the districts of Broach, Kaira, Surat and Panch Mahals covering 119 entire villages and scattered lands in 7 villages with 1,68,498 acres assessed at Rs. 7,71,024. These tenures were the remnants of the revenue-farming system of the past Moghal and Maratha administrations. They were only a method of collecting land revenue from the villages in that generally the lands were liable to payment of full assessment. In the case of the lands in two villages of the Surat district, the Bhagdari lands were held on the Hunda tenure. The Hunda or lump payment of land revenue payable to Government was less than the full assessment. The responsibility for payment of revenue was joint for the Mox Bhagdars and Peta Bhagdars. Thus, the tenures normally did not involve any alienation of land revenue or land. For safeguarding the prompt collection of land revenue, the Bhagdari and Narwadari Act, 1862, was passed. It imposed restrictions on the dismemberment of any Mox or Peta-Bhags. But as these lands were allowed to be inherited equally amongst the sons of the Bhagdars and Narwadars, the Bhags and Peta-Bhags were parcelled out into incredible sub-divisions. The result was that the liability for payment of land revenue, though joint in principle, resulted in practice in individual responsibility with consequent difficulty in collection thereof. Despite restrictions on the alienation of the Bhag or Narwa property to non-Bhagdars, the alienations of such lands to non-Bhagdars were not uncommon owing to debt or other causes. Such a custom gave rise to the *gharenia* and *vechania* tenures in the Narwa villages which were exempted from payment of revenue.

This was the revenue situation which the Bombay Bhagdari and Narwadari Tenures Abolition Act, 1949, was enacted to remedy. It came into force on 5-8-1949. It abolished all the incidents of the tenures and established direct responsibility of the individual occupants to payment of land revenue to Government. It also recognised all alienations, assignments, mortgages, etc. in respect of any unrecognised portions of Bhags or Narwas made in contravention of section 3 of the Act of 1862. The alienations such as *Gharenia*, *vechania*, *devasthans*, etc. were resumed and the lands made liable to payment of full assessment. The abolition of tenures resulted in a net increase of land revenue amounting to Rs. 3,504 per year. No compensa-

tion was required to be paid on account of abolition of these tenures. It was a notorious fact that the revenue accounts of the Bhagdari and Narwadari villages were in a great mess owing to unauthorised alienations and the consequent difficulty in collecting land revenue from the Mox and Peta-Bhagdars was equally great. These snags were removed and the path was made clear for smooth revenue administration at the village level. The Act also paved the way for smooth consolidation of too many disparate and dwarfed fragments under the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947.

From the point of economic development, the Act has immensely done good to the cultivators. Removal of legal restraints on alienations of the Bhag properties to non-Bhagdars resulted in appreciation of values of lands in these villages and consequently enhanced the creditworthiness of the holders of the Bhag-lands. These lands could now be hypothecated in security of any loan from private persons or Government. Thus, it has helped the institutional credit more than anything else in these villages.

(2) *The Mehwassi Tenure:*

The Mehwassi tenure was found in 21 villages in the Kalol taluka of the Panch Mahals district which formed the Mulk giri or unabsorbed borderland of the Marathas. The Mehwassi Thakors were the Koli freebooters and some Rajput chiefs ejected from their original ruling position. They maintained a hold in the neighbourhood by terror and force. The exact origin of the Mehwasadars was uncertain but they were presumably the descendants of the ancient Rajputs or Koli settlers. When Panch Mahals district was exchanged in 1861 for certain territories in the Central India by the Scindia, the Mehwasdars never had any right other than might or any distinction save habitual contumacy. Till the survey and settlement was introduced in the Kalol taluka in 1867, they exercised unquestioned rights over their villages by virtue of custom. In 1873, Government recognised that the tenure approximated to the Talukdari villages in the Ahmedabad district with proprietary rights in the lands of the villages. But at the time of executing agreements, Mehwasdars refused to sign the agreements. As a result, the British ordered the villages to be made Khalsa, along with all the forest areas. However, in 1887, the orders were reversed and the management of the villages was handed back to the Mehwasdars on payment of jama calculated on the assessment of the

cultivable lands held by them or in occupancy of the ryots. Henceforward, occupants holding directly from Government and all future occupants of assessed waste had to pay survey assessment to the Mehwasdars. Thus, they were given a lien on the assessed waste and allowed to let it out for cultivation without becoming liable to increased jama. Government, however, retained the management of the forests but granted to the Mehwasdars a reduction of jama varying from 30% to 60% as compensation for loss according to the area of the land taken up for forest. Thus, the proportion of the jama varied in each village according to proportion borne by the forest area. These orders clinched the issue and decided that the Mehwasdars had no proprietary rights in the villages and forests. The agreements embodying those terms were executed by the Mehwasdars after 1888. Briefly put, compensation for the loss of the Mehwasdars' forest rights and remuneration for recovery of revenue on behalf of Government formed the basis of the *Mehwasi contract*. The Mehwasdars agitated for recognition of the proprietary interests in the villages, but the British Government refused to re-open the question.

The *Mehwasi contract* related to different categories of lands, viz.:

- (1) the lands occupied by Mehwasdars,
- (2) the lands occupied by other Khatedars holding directly from Government,
- (3) the inam lands,
- (4) the assessed waste, and
- (5) the unassessed waste.

The *Mehwasi contract* comprised two concepts, viz. (1) Ankada, and (2) Mehwasi profits.

The lump sum payment called 'Ankada' was fixed for each village at certain percentages of the survey assessment of class (1) and (2) and judi on class (3) with local fund cess on these three items. Lands in class (4) were left entirely at the disposal of the Mehwasdars and were at liberty to make free use thereof and to retain profits subject to the condition that the tenants were not to pay more than one assessment. As regards (5), the Mehwasdars enjoyed the same rights as in class (4); but the lands in class (4) were not included in the leases (पटा) executed in 1887-88 and were, therefore, called the पटा बहार—outside the lease—lands. The Mehwasdars were enjoined not to charge rent exceeding one assessment of the lands from the cultivators of

such lands. Thus, the cultivators of those lands were treated as occupants for all practical purposes, although they were not so recognised legally. In the Record of Rights prepared in 1939, such cultivators were entered as occupants. It would therefore be clear that the Mehwasdars had no claim to the patta bahar lands.

The Mehwasi profits consisted of—

- (1) 30% to 60% reduction on assessment of lands held by Mehwasdars,
- (2) 30% to 60% reduction on assessment of lands held by occupants holding directly from Government,
- (3) amount of assessment on assessed waste at the time of original leases in 1887-88, and
- (4) all profits from unassessed waste.

Besides, the Mehwasdars and occupants were entitled to get free timber under permit from forest and unassessed waste land for agricultural and domestic purposes.

The last agreement was to expire by the end of July 1955. But in pursuance of the Government policy of agrarian reforms, the Mehwasssi leases were cancelled by the Panch Mahals Mehvasi Tenure Abolition Act, 1949, with effect from the 15th March 1950.

At the time of the abolition of the tenure, there were 72 Mehwasdars holding 21 villages in the Kalol taluka of the Panch Mahals district. The villages covered an area of 41,025 acres, assessed at Rs. 40,154. The Mehwasdars and occupants held lands directly from Government amounting to 3,502 acres assessed at Rs. 4,486 and 12,544 acres assessed at Rs. 23,251 respectively. The Ankada and the Mehvasi profits amounted to Rs. 20,522 and Rs. 12,093, respectively.

All the waste lands, whether assessed and unassessed, and all other property referred to in section 37 of the Code have been vested in Government. Compensation at a rate not exceeding the maximum of the average of the total or partial exemption of land revenue and profits from unassessed waste during 3 years immediately before the enforcement of the Act is payable under the Act. Accordingly, Government has paid in cash compensation amounting to Rs. 7,391 to all the Mehwasdars. As against this amount, there has been an increase of land revenue of Rs. 10,442 per annum.

(3) *The Maleki Tenure:*

The Maleki tenure was confined to 27 villages in the Thasra taluka of the Kaira district. The villages were given by Mahmad Begda in 1483 as a reward to the Malekjadas for assisting him in the conquest of the Pawagadh fort in the Panch Mahals. Thus, the Maleks were the original grantees of the villages and their status approximated to that of the Inamdars enjoying the villages rent-free. This status continued till the beginning of the 18th century when their fortunes began to fluctuate with the changes in the political power in Gujarat. During the Maratha rule oppressive cesses weighed down the population. When the Thasra taluka came under the British rule in 1817, the British attempted to introduce systematic revenue administration by appointing Talatis therein. Robertson made settlement with the Maleks in 1819 and 1823 by which the Maleks lost their proprietary rights in the villages and became 7- or 9-anna sharers of village revenues. This settlement imposed assessment based on the caste-rates.

At long last, the Maleks' rights were settled by Pedder in 1865. The settlement was based on the rights of the Maleks in different categories of land, viz. (1) Wajeli lands, (2) Santheli lands, (3) Nakru lands, and (4) the remaining lands. From the Wajeli lands, the Maleks used to get vaje, i.e. a share from land revenue which was collected by Government and paid to the Maleks. Such lands admeasured 38,366 acres, assessed at Rs. 74,917 and the Maleks got vaje amounting to Rs. 35,117 per annum. The second category was of the payments under Santheli lands, which were subject to santh payments under the Robertson settlement. The sanths were commuted into cash called 'Kothli Santh' cash allowances. Such lands measured 14,735 acres assessed at Rs. 31,500. The third category was of the Nakru lands, which were the gharkhed lands of the Maleks at the time of the Robertson settlement. They measured 2,269 acres with full exemption from payment of land revenue of Rs. 6,829. The fourth category comprised the public assignments such as grazing, etc., and covered 2,294 acres assessed at Rs. 6,156. In short, the rights given under the Pedder settlement were as follows. In these villages the Maleks were entitled to—

- (i) receive 7- or 9-anna share of the revenues from the vajeli lands;
- (ii) receive 7- or 9-anna share of the miscellaneous revenues consisting of sale proceeds of grass, grazing, produce of fruit trees, wood from waste vajeli lands;

- (iii) claim a preferential right for the purchase of the occupancy of any waste vajeli land; and
- (iv) claim a right to nominate talatis.

The Maleks used to get a total vaje amounting to Rs. 74,917.

The tenure was abolished under the Bombay Maleki Tenure Abolition Act, 1949, with effect from the 1st March 1950. The Act abolished all the revenue rights of the Maleks except those in the Nakru lands and Kothli Santh allowances.⁴

The tenure abolition would bring about a great change in the agricultural economy of the villages, where the Maleks banked on the vajes, the Patidars on their agricultural skill and the Kothli Sanths and the Baria Kolis on the agricultural labour in those villages. The Maleks have ceased to receive vaje, and have been forced to look beyond their villages for employment. Some of them have found employment in the Associated Cement Co. Ltd. at Sewalia. Some of them have joined the district police force and the educational and revenue departments and some have taken to cultivation of the gharkhed lands (former Nakru lands) in those villages. This is a very welcome change in that the erstwhile indolent class is forced to direct its energies into gainful employment. The Maleks are levelled down to the level of other land-holders in the village economy. Owing to the uneconomic habits of the Maleks, even before the abolition of the tenure the Nakru lands covering 2,193 acres involving Nuksan of Rs. 4,776 had passed in the hands of non-Maleks and had been subjected to payment of full assessment. Such a transfer of lands to non-Maleks was a clear index of the uneconomic living of the Maleks as a class.

(4) The Talukdari Tenure:

The Talukdari tenure was the most important tenure amongst the proprietary tenures of Gujarat. It was prevalent in the five old districts of Gujarat as now constituted into Broach, Kaira, Panch Mahals, Amreli, Ahmedabad, Sabar Kantha and Mehsana.

The Talukdars of Gujarat were identical with the ruling families of Saurashtra and other Agencies. Their loss of political power was ascribed to the geographical accident of their estates being situated in the *rasti* (settled) portion of the Bombay State brought under the direct control of the British, whereas

⁴ These rights are resumed under the Bombay Personal Inams Abolition Act, 1952.

their kinsmen in the *mulkgiri* (unsettled) portion continued to be treated as tributaries. Thus, those who were fortunate to be in Saurashtra under the British settlement retained political power and those whose lot was cast within the Bombay State became non-jurisdictional Thakors. The Talukdars of the estates belonged to different castes, viz. Muslims, Kathis, Charans, Vaghelas, Chudasamas, Koli, Thakardas, etc. These Talukdars comprised men of varying positions ranging from jurisdictional chiefs to holders of a few parcels of lands in a co-parcenary estate.

The fundamental characteristic of the Talukdari tenure was that the talukdari estate was neither alienated nor unalienated. The Talukdars were not the grantees of the British but enjoyed proprietary rights in their estates antedating the advent of the British rule including ownership of mines, minerals, trees and forests. The historical evidence is that the Talukdars were settled by the Moghals as actual proprietors of their estates with the simple liability of paying the tribute to Government. After the Muslim rule, the Maratha domination made no change in the tenurial status of the Talukdars. The British on accession continued to levy the amount of tribute as hithertofores but the amount was increased by 50% in 1821. The status and the tributary obligations of the Talukdars remained in a nebulous state till their rights and responsibilities were settled by the Gujarat 'Talukdars' Act, 1888. It provided, *inter alia*, for the revenue administration of the estates.

Under that Act, all the Talukdari estates were held subject to the payment of jama to Government which was either uddhad (fixed in perpetuity) or fluctuating. Some estates in Kaira and Broach were held on uddhad jama or quit-rent fixed under the Summary Settlement Act. The Talukdari estates in Ahmedabad and Panch Mahals were subject to the jama, which was liable to revision. The jama was an aggregate of assessment of lands in the village but was limited to about 60% of the assessment on the cultivated land and 35% of that on the waste lands. In special cases, however, the maximum of 70% of the aggregate assessment was allowed, but the enhancement beyond 50% of the existing jama was forbidden in any case. The Talukdar was allowed to retain 30% of the total assessment of his village in order to meet the cost of the police establishment in the village.

Under the provisions of the Act, the Settlement Registers were prepared for each village, which served the purpose of the Record of Rights in those estates.

In these estates, large areas of lands were alienated to cadets, widows of the family and relatives for maintenance, village servants, *either in reward for past services or as remuneration for services to be performed.* The holders of these lands paid no revenue either to the Talukdar or to Government generally. The service inam (chakariat) lands were resumable at will, but in other cases of the alienations, the Talukdars had a reversionary right in the event of the failure of the male heirs. These alienations fell into three categories:

- (1) the alienations made prior to the British rule, i.e. before 1818;
- (2) the alienations made between 1818 and 1888, i.e. after the introduction of the British rule and before the passing of the Gujarat Taluqdars' Act, 1888; and
- (3) the post-Act alienations.

The alienations were called Lal-liti lands because they were recorded in red ink in the old faisal patrahs. In the Settlement Registers prepared in the twenties of this century, such alienated lands were also recorded in red ink as Lal-liti lands, but were subject to jama liabilities of varying character.

The pre-British alienations were settled by Mr. Peile in 1864. The holders of the lands paid no jama or paid only half the salami. Such alienations were recognised if found recorded in the Khardas (the land registers) of 1818-20 or at the survey in 1863. The 1818-1888 alienations were those which were not so recognised by prescription and upon which jama was not levied. When these lands reverted to the Talukdar they became ordinary lands of the Talukdar liable to payment of full jama. The third category of the alienations were covered by section 31 of the Gujarat Talukdars' Act, 1888. Under the said section, a Talukdar could not encumber his estate beyond his lifetime without the permission of the Talukdari Settlement Officer (the Collector) and could not alienate the same without the sanction of Government. So, all post-Act alienations made in contravention of the Act were null and void.

The Talukdars had a reversionary right to the alienations in case an alienee died or left the village, provided possession had not passed into the hands of others either by sale or mortgage. If such lands had passed into the hands of non-Talukdars for more than 12 years, they lost the Talukdari character by adverse possession.

The Talukdars were exempted from the payment of jama as regards certain lands alienated by them before 1888 and as

regards other classes of such lands, they were required to pay as jama 50% of the proceeds derived by them therefrom.

Amongst the alienations, the problem of wanta lands in the Talukdari estates was very important. The wantas were a trace of the Moghal Settlement. It was a sort of the Talukdari tenure within a talukdari estate and, therefore, Peile called the Wanta holders as "ex-Talukdars". Those wanta lands were entered as Lal-liti lands in the Settlement Registers. The wantas were of two kinds, viz. (1) the Summary Settlement wantas treated as personal inams in tail male; and (2) the talukdari wantas subject to jama and classed as "land specially reduced". The wanta holders had generally no documentary evidence to prove their title during the period prior to the enactment of Act VII of 1863; because such lands were not assigned but were the lands retained after surrendering 3/4ths of the area of the village of the Muslim rulers. Some wantas were settled under the Summary Settlement Act VII of 1863 and subjected to payment of quit-rent under the terms of the Sanads issued to them. Other wantas which were not so settled continued to pay *Udhad Jama*. The wantas held by the Talukdars differed in no way from the whole villages owned by that class.

The tenants in the villages were invariably tenants-at-will; but the evictions being rare, they continued cultivation of the same lands for generations. After the application of the Bombay Tenancy and Agricultural Lands Act, 1948, such tenants became protected or periodical for 10 years. The permanent tenants, however, were very few.

The statistical information about these estates is set out below:

District					No. of Talukdari Villages	No. of Wantas
Ahmedabad	..	..	..	..	264	4
Kaira	..	..	..	..	30	2
Broach	..	..	..	..	3	36
Panch Mahals	..	..	..	..	148	..
Amreli	..	..	..	..	53	..
Mehsana	..	..	..	..	2	..
Sabar Kantha	..	..	..	..	44	..
Total					544	42

The villages and the wantas covered an area of 14,09,716 acres assessed at Rs. 15,23,428 paying the total jama of the order of Rs. 6,26,578 per annum. They were held by 2,868 Talukdars and 115 co-sharers.

In order to remove these intermediaries from the Talukdari estates, the Bombay Taluqdari Tenure Abolition Act, 1949, was enacted. It abolished the Talukdari tenure with all its incidents with effect from 15-8-1950. The Talukdars holding the talukdari lands and cadets holding any talukdari land hereditarily for the purpose of maintenance (jiwai) have been recognised as occupants thereof liable to payment of full assessment. Since the 1st March 1955, the permanent tenants and inferior holders paying assessment to the Talukdars are made eligible to the rights of occupancy on payment of 6 or 3 times the assessment respectively—the multiples cover the occupancy price and the compensation for the right of reversion abolished. Accordingly, 4,674 Talukdars for 1,90,641 acres, 124 cadets for 7,566 acres, 5,838 permanent tenants for 38,113 acres and 4,009 inferior holders for 20,121 acres have been recognised as occupants within the meaning of the Land Revenue Code.

It is true that with effect from 15-8-1950, all lands in the Talukdari villages had become liable to payment of full assessment. But there were two exceptions, viz. (1) the talukdari wantas which were paying Udhad Jama, and (2) the lands in respect of which the settlement guarantee had not expired. The settlement guarantee still operates in the case of the ex-talukdari villages in the following talukas:

District	Taluka	The Settlement guarantee operates upto
Panch Mahals ..	Halol, Kalol, Jhalod	1961-62 (31st July 1962)
Sabar Kantha ..	Prantij and Modasa	Do
Ahmedabad ..	Viramgam	31st July 1957
Mehsana ..	Sami Mahal	Do
Broach ..	Amod, Wagra and Jambusar	Expired in 1933-34

As a result, even though the Talukdari tenure is abolished and the lands are made liable to payment of full assessment,

the lands in those villages continue liable to pay jama and not assessment during the operation of the settlement guarantee.

Lal-liti Lands:

The determination of the liability of the *Lal-liti lands* (alienated) in those villages has proved a difficult problem. The *Lal-liti lands* were not generally taken into consideration at the time of calculating jama payable by the Talukdars to Government. As a result, they were not covered by the Settlement guarantee operating in respect of the entire talukdari villages. Consequently, *Lal-liti lands* became liable to payment of full assessment with effect from 15-8-1950—the date on which the Act came into force. But the *Lal-liti lands* covered more than one category of the alienated lands. To begin with, it covered the wanta lands settled under the Summary Settlement Act VII of 1863 and continued as the private property of the holder on payment of quit-rent to Government. Such wanta lands were of the nature of the personal inams, which came to be abolished under the Bombay Personal Inams Abolition Act, 1952, with effect from 1-8-1953 or 1-8-1955 according as the exemption from the payment of assessment was or exceeded Rs. 5,000 or was below that amount.

Secondly, as regards the talukdari wantas, which paid Udhad Jama to Government, the liability to full assessment commenced with effect from 1-8-1953—the appointed day mentioned in section 20 of the Bombay Personal Inams Abolition Act, 1952, which withdrew the exemption enjoyed by such wantas under section 5(2) of the Bombay Talukdari Tenure Abolition Act, 1949.

Thirdly, the *Lal-liti lands* covered other alienations such as chakariat lands, devasthan and dharmada lands and lands held by non-talukdars. Some of them were subject to payment of jama at 50%, although they were shown as *Lal-liti lands* in the Settlement Registers. Such lands became liable to full assessment with effect from 15-8-1950, when the Act was brought into force. But this liability for land revenue raises a question of the general policy of great importance in regard to the devasthan and dharmada lands held by religious and charitable institutions in those villages. It is a well-known fact that extensive areas are held by the religious institutions like the temples of Swaminarayan, Bhimnath and others. There is no provision analogous to other Abolition Acts to exclude such grants from the operation of the Act. This legal lacuna requires to be remedied by an early amendment of the Act.

The Act vests in Government certain properties of a public nature and for the vesting of which compensation is provided as follows:

<i>Name of property vested in Government</i>	<i>Compensation provided at</i>
(a) uncultivated but culturable land.	a sum not exceeding three times the assessment of the lands.
(b) the lands used by the public.	a sum equal to one time the assessment of the land.
(c) trees or structures on lands.	market value thereof.
(d) abolition of exemption from payment of assessment (partial or full).	no compensation.

For extinguishment or abridgment of rights not specially provided in the Act, compensation could also be claimed by the Talukdars concerned.

The implications of the Abolition Act are far-reaching. It has abolished a privileged class from the Society.

Administratively, there has been a considerable increase in land revenue amounting to Rs. 7,85,639 per year. Full impact of the revenue increase will be felt only after 1961-62 when the settlement guarantee operating in respect of some talukas expires.

Besides, the fixing of assessment in the 30 unsurveyed and unsettled villages of Barwala in Ahmedabad and Udhad Jama villages in Kaira will entail some cost to Government. Barring these estates, the Talukdari villages were surveyed and settled during the British regime. Furthermore, in place of the Settlement Register, Government has introduced the Record of Rights and other village forms of accounts.

(5) *The Paragana and Kulkarni Watans:*

The Kulkarni watans were found all over Maharashtra. But in Gujarat, there was only one Kulkarni watan in Kapadvanj in the Kaira district. The Paragana watans were however found in all the districts of Gujarat and Maharashtra. The Paragana watandars called Deshpandes, Deshmukhs, Amins, Desais and Majmundars were the chief instruments in collection

of the revenues of the State from the time of the Muslim rulers. This revenue arrangement was acquiesced in by the Marathas and the British. In the beginning of its rule, the British found them possessed of too much knowledge and power with the result that they could not be easily removed from the village administration. But in order to clip their wings, the British appointed Mamlatdars and the village accountants for collection of village revenues. With the collection of much statistical information about the villages and their revenues during the first half of the nineteenth century, these watandars lost much of their *raison d'être*. Government, therefore, seriously considered the question of dispensing with their services. With this objective, the British Government appointed in 1863 two Commissions presided over by Messrs. Gordon and Pedder. Mr. Gordon settled such watans in the Deccan, Konkan and Southern Maratha country; whereas Mr. Pedder effected such settlements in the five districts of Gujarat, viz. Ahmedabad, Kaira, Panch Mahals, Broach and Surat.

The Gujarat watans differed from the Deccan watans in point of origin, history, and perquisites. The commutation of service was effected subject to payment of Judi varying from 3 to 8 annas in a rupee of assessment and the sanads were given accordingly.

The watans in Surat, Broach, Kaira and Panch Mahals were decided to be the private property of the watandars. As a result, those watans were alienable. But the commuted watans in Ahmedabad were not recognised as the private property of the watandars; such a right was however to be given to those watandars on payment, in perpetuity, of an annual Nazarana of one anna in a rupee of the total emoluments of the watan. The paragana watans in the Deccan were treated as inalienable.

In brief, except the watans of the Ahmedabad district, the watans in the remaining 4 districts of Gujarat were treated as alienable even though they were subject to the provisions of the Bombay Hereditary Offices Act, 1874.

Throughout Gujarat, there was only one Kulkarni watan having cash emoluments in Kapadvanj (Kaira district). The Kulkarni deputed his man to officiate as Kulkarni.

The Paragana and Kulkarni watans were abolished from the whole Bombay State with effect from 1-5-1951 under the Bombay Paragana and Kulkarni Watans Abolition Act, 1950. The Act abolished the watans with all their incidents. After resumption

of the watan lands, the ex-watandars were not dispossessed of those lands but were made eligible for re-grant of the resumed lands on new tenure on payment of occupancy price equal to six times the assessment fixed on the land within a period of 5 years from 1-5-1951. If such lands were to be made transferable or partible, a Nazarana equal to 20 times the assessment was to be paid to Government in six instalments within one year.

These provisions of re-grant would apply only to the inalienable watans of the Deccan and the Ahmedabad districts (parts now merged in Gogha Mahal of Amreli district and Modasa and Prantij talukas in the Sabar Kantha district). Unless the ex-watandars had paid the Nazarana stipulated in the sanads for converting their watan lands into private enfranchised property and unless there was a decision or order of any competent court or authority (as in the Zezra watan village in the Viramgam taluka), the ex-watandars would be liable to re-grant of the resumed lands on payment of 6 times the assessment fixed on the land. They were not saved under section 4(3) of the Act.

But as the watans in Kaira, Broach, Surat and Panch Mahals were alienable and, therefore, saved under section 4(3), there was resumption of the watan lands by levy of full assessment only. Neither occupancy price nor Nazarana was recoverable from them.

The properties mentioned in section 37 of the Land Revenue Code, 1879, and other properties used by the public have been vested in Government. It should be noted that the vesting in this Act differs from similar provisions in other Acts, as the waste and uncultivated lands are not vested in Government but they are to be re-granted to the former watandars on payment of the stipulated occupancy price to Government.

(6) *The Watwa Vajifdari Rights:*

If an Abolition Act was required to be passed for a single village, it was for the abolition of the Vajifdari rights in the Watwa village of the Ahmedabad district. Originally, the village was granted as inam to one Kutbe Alam by the Muslim ruler Mahmud III for wishing well of the city of Ahmedabad under a Farman of 1548. Till 1730, it was enjoyed as inam; subsequently, however, it fell under the domination of the Gaekwar. With the introduction of the British rule in Gujarat after 1818, the British treated it as an inam village with certain

haks of the Vajifdars. In 1863-64, an agreement between the British and the Vajifdars was concluded for the management of the village. The said agreement was renewed for a period of 30 years in 1898. It stipulated that the Chief Vajifdar should pay to Government the annual Jamabandhi of Rs. 9,500. In the event of failure to pay the same, it was to be recovered from the co-sharers if necessary, by the coercive processes under the Land Revenue Code. In the event of the resumption of the management by Government, the following rights of the Vajifdars would however survive:

- (1) three annas in every nineteen annas of the net collections of land revenue on cultivated lands in the village;
- (2) the bagayat kasar on the wells sunk by the Vajifdars; and
- (3) the six-anna share from the fruit-bearing trees.

The 30-year lease expired in 1919-20; still however, the management of the village was continued with the Vajifdars. Its management was resumed by the present Government in 1949; but these three rights mentioned above survived. These rights were not against Government but against the village people. Notwithstanding this fact, Government took upon itself the responsibility for paying the compensation instead of making the village people liable to payment.

There was one Chief Vajifdar with 74 co-sharers in the village. They enjoyed the Sayyad hak (3-anna surcharge) of Rs. 1,910, the bagayat kasar of Rs. 2,530 and profits from trees of Rs. 500 approximately.

Although there was no renewal of the lease, the Sayyads enjoyed the revenues of the village 30 years after the expiry of the lease in 1919-20. After resumption of the management of the village in 1949, the three rights of the Vajifdars stated above survived. In order to abolish them, the State Legislature passed the Bombay Watwa Vajifdari Rights Abolition Act, 1950. It abolished those rights with effect from 1-10-1951.

The Abolition Act does not provide for conferment of occupancy rights on anybody in the village; but restricts its scope to the abolition of the three surviving rights only. The lands in the possession of the Vajifdars (over 300 acres) and other cultivators who paid assessment to the Vajifdars had already been recognised as occupants under the provisions of the Land Revenue Code.

The devasthan land measuring 27 acres and 36 gunthas held for the Dargah are not affected by the Act.

(7) *The Personal Inams:*

The personal inams were grants made or recognised by the British Government in appreciation of services rendered by persons to Government in diverse circumstances of trying character. In the beginning of the 19th century, the British Government wanted a loyal class who would support their rule and administration at all levels. Such a class was found in such grantees by the British.

This class of the inams was most widespread all over Maharashtra and Gujarat and consisted of entire villages, lands, amals (shares from village revenue) and cash allowances. It covered personal inams adjudicated by the Inam Commission and under the Summary Settlement Acts of 1863. Besides, there were other grants such as the 'Maleki Nakru' lands in Thasra, the Talukdari wantas, Toda Giras allowances, etc., which were outside the scope of these Acts and still treated as personal inams. The Summary Settlement Acts II and VII of 1863 were applicable to Maharashtra and Gujarat. The Acts converted into transferable freehold all such inams whether they were adjudicated by the Inam Commission or not subject to payment of quit-rent of respectively 4 or 2 annas in a rupee with or without Nazarana. Besides, there were certain "terminable inams" which had been adjudicated to be continuable not hereditarily but only for one life or a few lives. They were also enfranchised by Government in 1864 subject to payment of Judi equal to $\frac{2}{3}$, $\frac{1}{2}$ and $\frac{1}{3}$ assessment according as the inam was continuable for one, two or three lives, respectively. Thus, the inams were private enfranchised property of the holders subject to payment of Judi to Government. The rights to trees, forests, mines and minerals, where not specially reserved by Government, were conceded to the holders.

It is very interesting to know the various purposes or services for which the inams were originally granted by Government in Maharashtra and Gujarat. In Maharashtra, the inams to the Kalavantins of Satara and Palnuks in Poona had a special character. In Gujarat the grants were multi-purpose in their character, viz. hali waola and kachcha lands in the Chikhli taluka (Surat), the maleki nakru lands in the Thasra taluka (Kaira), certain inams in Panch Mahals, a pension of Rs. 20 to the survivors of Hakikat Khan for willing transfer of Moghal Sarai at Surat, maintenance grant of the Silod village (Kaira) to the Rode family of the Minister of Gaekwar, cash allowance to the Nawab of Surat in exchange of his Jagir, the Toda Giras allow-

ance held by the Girasias, inam for defending the fort of Dohad (Panch Mahals) during the Mutiny of 1857, the Kothli santh allowances for resumption of lands, etc. As stated by the Revenue Minister (Shri B. S. Hiray), the purposes for which the grants were recognised or made by the British clearly showed that they were "nothing short of a bribe paid by the British Government for acquiescing in foreign domination and for refraining from other Mutiny".

The statistical information about the inams is given in Appendices F and G.

After the dawn of Independence, this class of vested interests became outdated and outlived their utility. Their inams were, therefore, abolished with effect from 1-8-1953 under the Bombay Personal Inams Abolition Act, 1952. It abolished all the incidents of the inams and resumed cash allowances and amals. All lands, which were partially or wholly exempt from payment of assessment, were made liable to payment of full assessment.

The personal inams consisted of the following categories:

- (1) grants consisting of exemption from payment of land revenue only;
- (2) grants consisting of soil with or without exemption from payment of land revenue;
- (3) grants consisting of assignment of land revenue called 'amals'; and
- (4) cash allowances.

If the inams consisted of grant of exemption from payment of assessment below Rs. 5,000, full assessment became leviable from 1-8-1955 and if the exemption was upto or exceeded that limit, the liability to pay full land revenue commenced on 1-8-1953. The grants which consisted of soil accompanied with or without exemption from payment of land revenue became so liable from 1-8-1953. Broadly speaking, all inams adjudicated by the Inam Commission generally were treated as grants of soil with or without exemption and those settled under the Summary Settlement Acts of 1863 were treated as consisting of grants of exemption from payment of land revenue only. If the grants consisted of the amals and cash allowances, they came to be resumed with effect from 1-8-1953.

The fundamental fact about the Act was that the holders of inams were not dispossessed of their lands but were subjected to payment of full assessment only. They were made occupants

of their lands. Besides, occupancy rights were recognised in respect of the lands held by inferior holders paying assessment to the Inamdars.

Certain lands and properties of a public character and waste and uncultivated lands were vested in Government and were subsequently assigned for public purposes, such as grazing, cattle-stand, play-grounds, etc.

As regards extinguishment of rights in lands, the pattern of compensation provisions was quite analogous to that of the Taluqdari Tenure Abolition Act, 1949. And for resumption of amals and cash allowances, a quantum of seven times the amount of the allowance was provided. For imposition of full assessment on the wholly or partially exempt lands, no compensation was payable [section 17(5)].

Thus, a large body of reactionary intermediaries was removed from the administration by this legislation.

(8) *The Saranjams and Political Inams:*

The political inams were found mainly in the Deccan. In Gujarat, they were few and far between. They were Jagirs given or recognised by the British Government. It was the practice of the former Governments, both Muslims and Marathas, to maintain a species of feudal aristocracy for the State purposes by temporary assignments of revenue either for the support of the troops or personal service, the maintenance of official dignity or for other specific purposes. The holders of such grants were empowered to collect and appropriate the revenue and manage the villages and lands. Under the Muslim rule, such grants were called Jahagirs and under the Maratha rule, they were called Saranjams. But such a distinction became extinct during the British period and these terms became convertible.

The political inams were governed by the Saranjam Rules of 1898. Accordingly, the Saranjams were ordinarily continuable during the pleasure of the Government. They were life-estates which on the death of the holder, were formally resumed and a fresh grant was made to the next holder. Thus, they were technically re-grants. They could not be sub-divided. The re-grants were subject to provisions for the maintenance of the widow or widows of the deceased holder. These general rules which were applicable to the Saranjams, were held to be applicable to the political inams of other nature. Such inams

granted on political considerations were continued in terms of the sanad or order creating the grant. If the inam was alienated outside the family, it was liable to be resumed unless such transfers were expressly provided. These rules were rules of convenience only. They did not exhaust the general powers of Government or prevent Government from making any decision referable to a particular Saranjam or political inam.

In Maharashtra, there were 189 entire villages and lands in practically all districts. In the old districts of Gujarat, there were 14 entire villages, 1 in Panch Mahals, 1 (Alwa) in Kaira and 12 of the Patdi Darbar in Ahmedabad. The scattered inam lands were found in all the districts. Besides the villages and scattered lands, cash allowances were also held by certain persons. The cash allowances were chargeable to the provincial revenues generally. But some cash allowances like those held by the Nagarsheth of Ahmedabad are chargeable to the Central revenues.

These grants were recognised or made by the British as a matter of political expediency and the ancient historical families, which generally held them, were thereby preserved without performance of service. Thus, the historical families which were deprived of power and position in the administration were placated by continuance or grant of political inams. By and large, the inams were continuable during the pleasure of Government. These inams were resumed with effect from 1-11-1952 under the Bombay Sarajnamas, Jagirs and other Inams of Political nature, Resumption Rules, 1952.

The Resumption Rules distinguished grants which were purely grants of soil and which were grants consisting of exemption from payment of land revenue (i.e. grants of revenue only). In the case of the soil grants, the resumption was outright and if any encumbrances were created by the Inamdar, they were extinguished. Only the inferior holders paying assessment anterior to the grants were recognised as occupants. In the case of the land revenue grants, the resumption was by levy of full assessment, the lands having been the private property of the holder. The Rules abolished the cash allowances chargeable to the State revenues but do not affect those chargeable to the Central revenues.

(9) *The Baroda Watans:*

Like the Paragana watans of Gujarat, the watans were granted by the ex-Baroda State to certain leading men of the

villages who were the chief instruments for the collection of the village revenues. In the early period of the Gaekwar's regime, the watandar Desais, Amins and Majmundars were the pivots of the village administration and were the indispensable instruments of revenue collection. The essence of the watan was service for the remuneration of which either land or cash was assigned. Thus, the origin of the watans was in the revenue management of the villages or groups of villages.

The question of the settlement of the watans, which was first taken up in 1889 was concluded in 1898 with the framing of the Baroda Watan Rules. The Rules were revised from time to time and finally published in 1932. These Rules never recognised any proprietary interest of the watandars in the watan villages and lands but definitely provided that the watan was a service watan and the land or cash emoluments constituted remuneration for service to Government. Attempts made by the watandars particularly of Petlad to have proprietary interests recognised therein were not countenanced by the State. Under the Rules, the watans were inalienable not even for the lifetime of the watandars. In the case of unauthorised alienations, the watan lands were made khalsa, entered as waste, and put to auction. Although Rule 22 defined "service" in the widest and vaguest possible terms, the State treated the watans purely as service watans subject to service kapat on failure to perform service. The Rules relating to succession were very strict in that even a sharer in the watan was not allowed to inherit another watan or any share in another watan without Government permission. Further, females were not permitted to inherit watans but were entitled to maintenance allowance only. At every succession, the watans were subject to Pedhi (succession) Kapat. The service and succession Kapats (cuts) made the watans a gradually vanishing quantity in the course of a few generations. This feature distinguished the Baroda watans from those of the Bombay watans, which were permanent in character.

It is a patent fact that there was no commutation of service before 1949, when the Jivraj Ministry made the watans non-service by absolving the watandars from the obligation of service on payment of service cut of 8 or 12 annas in a rupee of assessment of the watan lands.

There were 135 watandars having different names. The castes of the watandars varied from district to district: the watandars were Marathas in Baroda and Shihor; Patidars in

Sawli; Nagar Brahmins and Kayasths in Dabhoi, Kayasths and Anavils in Gandevi and Navsari and Nagar Brahmins in Petlad, Vadnagar and Visnagar. The caste of the watandar thus reflected the social leadership of a particular community in that area.

The watans consisted of entire villages,⁵ scattered lands and cash allowances. The statistical information is tabulated below:

Lands

—		Area in Bighas	Asett.	Judi	Nuksan
Entire villages	..	24,531	40,202	24,034	16,168
Scattered lands	..	23,059	53,468	6,627	46,841
Total	..	47,590	93,670	30,761	63,009
Service cut	..				23,187
					39,822

Cash Allowances

For lifetime	...	...	Rs. 1,174
Hereditary	...	...	Rs. 5,063
			Rs. 6,237

In pursuance of the Government policy of agrarian reforms, the Bombay Merged Territories (Baroda Watans Abolition) Act, 1953, gave a decent burial to those dwindling watans by total abolition with effect from the 15th August 1953.

The Act resumed all the watans with their incidents. The watandars were not dispossessed of the lands, but were made eligible to the re-grant of the resumed lands on payment of occupancy price equal to six multiples of assessment fixed on the land. The re-grant was on the new tenure only and for making the occupancy transferable or partible, such occupants will have to pay to Government a Nazarana equal to 20 times the assessment of the land. Thus, for re-grant of the resumed land on the old tenure, the amount aggregating to 26 times the assessment of the land will have to be paid to Government.

⁵ (1) Javli and (2) Palaswada in Baroda district, (3) Devatalpad in Kaira district, (4) Sharuwa, (5) Nedra, (6) Pindharpura, and (7) Motap in Mehsana district, (8) Dahida in Amreli district, (9) Gangapur, (10) Shahpura, and (11) Hakhawada in Surat district.

CHAPTER 11

THE LAND TENURES (*Contd.*)

(10) *The Okhamandal Salami Tenure:*

The Salami tenure arose out of the unsettled political conditions of Okhamandal and the independent temperament of the Waghers and Wadhels inhabiting it. Under a treaty, the British ceded to the Gaekwar the Okhamandal area in 1817. The Waghers felt that they thereby lost their Giras with the result that they rose in revolt against the Gaekwar in 1818. The Gaekwar from its distant capital at Baroda could not quell the revolt. The urge for independence amongst the Waghers was so great and intense that they revolted against the Gaekwar's authority six times between 1818 and 1861. Thereafter, they were defeated by the British forces. In 1861, Lieut. Barton was placed in charge of Okhamandal more with the idea of reclamation of than rule over the Waghers. During his charge practically almost all the Waghers were deprived of their Giras possessions and pensionary allowances. Hitherto, they used to cultivate their lands rent-free but under the new dispensation, they were required to pay annually a *Salami* on any land allotted to them. As a result of this political arrangement, the Salami land tenure came into existence in Okhamandal. Accordingly, the Waghers were allowed to cultivate as much area of land as they could on payment of rent at the rate of Re. 1 per santi and 4 annas per wadi. Between 1872 and 1875, sanads were granted to the Waghers subject to certain conditions.

The motive behind this arrangement was frankly political because the British wanted the Waghers to give up their independent attitude and settle down on the lands by beating their swords into plough-shares.

This arrangement continued till 1911, when as a result of certain complications, the Rules were revised. The main changes effected were that every Wagher was entitled to hold one santi of 48 bighas of land; that he was entitled to hold additional land on the Bhogami (khalsa) tenure, that except by inheritance, transfers of the Salami lands were prohibited, etc.

Such lands were liable to be resumed on conviction for rebellion or outlawry against Government and on account of misconduct of the holder or his inability or neglect to cultivate it personally continuously for three years.

In short, the fundamental incident of the Salami tenure was the Waghers' right to hold their lands free from payment of full assessment.

The Salami tenure did not cover entire villages but scattered lands in Okhamandal. The lands aggregated to 18,592 acres assessed at Rs. 12,800 and paying Salami of Rs. 625 per annum and were held by 10,000 Waghers and Wadhels. Thus, the annual recurring loss to Government was of the order of Rs. 12,125.

Apart from the political reasons, the human and geographical factors were also responsible for the creation of the tenure. As regards the human factors, Okhamandal is inhabited by Waghers, Wadhels and other cognate tribes. They are tall and well-built and before the British came, led an untrammelled life as fishermen, sailors, etc. They are indolent and indifferent cultivators. But it must be said to their credit that during the War of Independence of 1857, the Waghers under the leadership of Mulu Manek were the only persons in Saurashtra who raised a banner of revolt against the British.

The geographical factor was (is) no less responsible for creating such unsettled conditions of life. The soil is marshy, sandy and saline. The rainfall is scarce (13"). Owing to poor quality of the soil, the area is liable to recurrent scarcity. Consequently, on the lands in several villages, viz. Varai, Vachha, Malkanpur, Kuranga, etc., the assessment has been fixed at a rate lower than 4 annas per acre!

From 1861 to 1920, Okhamandal was under the British administration and in 1920, it was made over to the Gaekwar. Under the administrative arrangement the tenure was to be continued till April 1950 and the position was to be reviewed thereafter. After Independence, the Baroda State merged with the Bombay State and Okhamandal was merged in the Amreli district. In the altered political conditions and in furtherance of the Government policy of abolishing exemptions from payment of land revenue, the Salami tenure was abolished by the Bombay (Okhamandal Salami Tenure) Abolition Act, 1953, with effect from the 1st August 1954. It abolished the exemption from payment of land revenue enjoyed by the Waghers who are now recognised as occupants and made liable to payment of full assessment. On account of levy of full assessment, there is likely to be an increase in land revenue to the tune of Rs. 11,443. But having regard to the poor economic conditions of the Waghers and the liability of the tract to recurrent scarcity, Gov-

ernment has decided not to levy full assessment but only 4 annas per acre for a period of 5 years in the first instance and the condition reviewed in good time. Thus, Government has granted remission of Rs. 7,467 per annum. As noticed above, there are lands in more than 20 villages which bear assessment at a rate lower than 4 annas per acre.

The concession in land revenue and recognition of landholders as occupants have not reconciled the Waghers and the cognate tribes to the new administrative arrangements. This became evident during the time of collecting even assessment at 4 annas per acre for 1954-55. The Waghers and Wadhels carried on strong agitation against the collection of revenue because they thought that they lost their Giras for ever under this legislation.

By and large, the problem of the Waghers is not a problem of tenure abolition but a peculiar problem of political appeasement and economic rehabilitation. Unless the suitable avenues of employment are opened out to them, this sturdy race with political independence is not likely to be reconciled to any change of administration, much less to that of the land tenure.

(11) *The Ankadia Tenure:*

The Ankadia system originated in the difficulties inherent in administering the far-flung and hilly regions of the borderland owing to uncertain political administrations of the 18th century in Gujarat. Then, Government of the day badly needed a person, who could control the village, collect revenues, and pay a fixed sum called 'Ankada' to Government. In the villages other than those of Baroda, the amount of Ankada was fixed under a lease for a number of years; whereas in Baroda, the amount of the Ankada was either fixed for 30 years or ten years according as the village was *ek Ankadia* or *farta Ankadia*. The Baroda villages were further classified into Thakrati and Matadari; but the status accorded to the Ankadedars of all these villages under the Baroda Ankadia Villages Rules, 1932, was that of revenue-farmers without any proprietary interest. In the revenue management of the villages, the Baroda Rules imposed restrictions. To begin with, an Ankadedar could not sell, mortgage or otherwise alienate the village lands without the permission of the State. All alienations made during the continuance of the system were to be treated as Jadid. When the village was resumed by Government, it reverted to Government free from all alienations, encumbrances or changes made by the holder with or without the previous sanction of Government.

The Ankadia villages of the non-Baroda areas were merged in Sabar Kantha, Kaira and Panch Mahals districts. They were regulated by leases or pattas which were renewed at the discretion of the Ruler. Pattas generally stipulated renewal and performance of police duties.

There was a distinguishable difference between the Baroda and non-Baroda Ankadia villages. In the former the main purpose of the Ankada was the revenue management of the village, whereas in the latter, the police duties predominated. Further, the former villages were classified into Ek Ankadia and Farta Ankadia with sub-divisions into Thakarati and Matadari, whereas the latter were either permanent or periodical.

There were 152 Ankadia villages situated in the former States of Baroda (65), Idar (37), Malpur (2), Balasinor (12), Lunawada (19) and Deogadh Baria (17). These villages were neither alienated nor Jagiri villages; but were akin to leasehold villages. They were held by persons of different castes such as Rajputs, Kolis, Thakardas, Kathis, Muslims, Barots, Brahmins, Charans in the ex-Baroda State and by Thakarda Kolis in other States.

The Ankadia tenure was abolished with all its incidents with effect from 15-8-1953 by the Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953. The Baroda Rules of 1932 and all the leases are repealed. The villages are resumed and made liable to payment of full assessment under the Land Revenue Code, 1879. The devasthan and dharmada lands held for institutions and lands held for service useful to Government are not affected by the provisions of the Act. In regard to the Baroda villages, the Ankadedars and Jiwaidars are not dispossessed of the lands in their possession (gharkhed), but are recognised as occupants thereof. Cultivators holding lands in respect of which land revenue or rent was payable to the Ankadedar as an incident of the tenure are also recognised as occupants. In the case of the villages other than Baroda, the Ankadedars in respect of the gharkhed lands, and cultivators paying land revenue have been recognised as occupants. In the ex-Baroda villages, tenants cultivating Jiwai lands of Ankadedars are given rights of occupancy on payment of six times the assessment as occupancy price to the jagirdar. Except these persons, other cultivators continue as tenants under the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948. Thus, the Act has made the gharkhed and jiwai lands which were wholly exempt from payment of land revenue liable to full assessment under the Code.

For extinguishment or abridgement of any rights of the Ankadedar, compensation is provided at three times the average of the amount to have been realised annually by the Ankadedar as revenue during the three years immediately before the coming into force of the Act. On this basis, in several cases, no compensation was payable to the former Ankadedars.

(12) *The Matadari Tenure:*

In the 31 Matadari estates of the Bawishi, Vatrak Kantha and Gadhwada Thanas merged in the districts of Ahmedabad, Kaira and Sabar Kantha, we have to deal with one of the forms of revenue-farming methods of revenue administration. The estates were called 'Matadari' and their holders Matadars, because the holders thereof had to sign a bond for payment of the village revenues to the ruling authority.

Geographically, the estate villages were situated on the border land of the Baroda territory and in many parts inaccessible because they were cut by rivers and ravines. In those unsettled days, Government wanted an intermediary who could collect revenue for Government without much cost of collection. Such an agency was found in the backward but militant Thakardas of the estates.

The villages were under the direct control of the Gaekwar before the British took over the administration of those estates in the beginning of the 19th century. Then, the Matadars were directly and personally responsible for payment of the tribute to Baroda. The amount of the tribute depended more on the means at the disposal of the Gaekwar to enforce its payment than on the capacity of the village to pay. It was recovered by the Mulk giri army. At the time of the Mahikantha Settlement in 1812, the amount of the tribute was fixed on the basis of the demands of the previous years. In 1820, the British Government gave guarantee to recover the tribute from the Bawishi Thana villages and to pay it to the Gaekwar. The result was that the Mulk giri army of the Gaekwar stopped collecting tributes from the villages. Thus, much harassment and suffering were stopped by the British.

As regards the Vatrak Kantha estates of Jeher and Nirmali, similar conditions prevailed. At the time of taking over the Bawishi Thana in 1823, those estates were allowed by the British to continue under the control of the Gaekwar. They originally belonged to the Mia of Mandwa. In 1789, however, the Thakor of Ambaliara usurped those estates. The Mia sought help from

the Gaekwar who stormed and brought down the Thakor to his knees. In return for help, the Mia surrendered his estate subject to the condition that estate revenues should be co-shared between the Mandwa estate and the Baroda estate in proportion of 1:2. Subsequently, however, the shares were fixed at Rs. 961 and Rs. 464 respectively.

With regard to the Gadhwada Thana estates of Chandap and Gazipur, the estates were the Bhagdari villages wherein the Matadars collected revenues, paid the amount of the tribute and appropriated the surplus.

As regards the exact status of the Matadars, the British Government decided in 1885 that there were no Chiefs or Talukdars in the Bavishi Thana and that they could not be admitted to the status of the Talukdars. Further Mr. Shattock's findings in 1941 showed that the status and rights of Matadari estate-holders whether in Rajawat or non-Rajawat villages were inferior to those of non-jurisdictional Talukdars and Bhagdars of other Thana areas. Consequently, those estates were merged with Baroda in 1943. Baroda thereafter appointed a Committee to decide the rights and responsibilities of the Matadars. The Committee decided these estates as Ek Ankadia villages, and fixed a lump sum called 'Ankada' for payment to the Baroda State. But after the issue of the orders, the Government of India detached these estates from Baroda in October 1948 with the result that the estates reverted to their status prior to 1943. At the time of the abolition of the estates, the position remained nebulous: the Matadars collected land revenue, paid the Ankada to the Baroda State and enjoyed the surplus. Thus, the Matadars were reduced to the position of revenue farmers without any proprietary interest in their villages. Of course, they held considerable lands as gharkhed.

The details about the area, number of villages, revenue and the Government Ankada as revealed in the Baroda inquiry were as under:

Name of the Group (1)	Area in sq. miles (2)	No. of villages (3)	Approximate revenue (4)	Govt. dues (Ankada) (5)
Bawishi Thana ..	82	59 + 20	53,000	42,670
Vatrak Kantha Thana ..	20	18 + 2	13,000	5,114
Gadhwada Thana ..	2	2 + 2	1,154	116
Total ..	102	79 + 24	67,454	47,900

Now the total area covered by these villages is estimated at 64,604 acres assessed at Rs. 88,923 and involving nuksan of Rs. 38,305.

The village lands were broadly divided into Sarkari and Barkhali. The alienations consisted of Salamia, Ghasdana, Ranvatia, Jarat, Wanta, Vechania, Gharenia, Devasthan, etc.

The Matadari estates were resumed with effect from the 1st January 1954 under the Bombay Merged Territories (Matadari Tenure) Abolition Act, 1953. The estate villages were resumed and made liable to payment of full assessment under the provisions of the Land Revenue Code. The devasthan and dharmada grants held for religious or charitable institutions are not affected. Occupancy rights are conferred on the Matadars in respect of his Gharkhed lands (1,552 acres), the Bhayats in respect of Bhayati lands (3,676 acres) and the registered occupants in respect of the Sarkari lands (15,933 acres). The total number of persons who have become occupants is 7,014. Other alienations in these estates are not resumed as Government has not enacted any law for resumption of such inams in the merged areas.

For abolition of the Matadars' right to enjoy the surplus revenue, compensation is payable at three times the average of the amount of such portion proved to have been received by him during the five years immediately before the enforcement of the Act.

(13) *The Baroda Mulgiras Tenure:*

The Mulgiras tenure was also created out of the uncertain political conditions of Gujarat in the 18th century. When the Amreli taluka was acquired by the Marathas at the commencement of the Mulkigiri period (1730-42) partly from the Kathis and partly from the Saiyads, they (Kathis and Saiyads) surrendered their possessions retaining only a part for themselves. Thus, they came to be known as Mulgirasias with regard to the lands left in their possessions. Those villages and lands were held by the Kathis and Rajputs who loved plunder and cattle-lifting. They were engaged in depredations in the adjacent Saurashtra territory. They themselves however were subject to depredations from stronger neighbouring chiefs like Bhavnagar. Owing to constant harassment, they were driven to seek protection of the Gaekwar, who agreed to do so on condition that the Girasias should give a portion of their estates and retain the remainder for their maintenance. The portion of the estate

so retained came to be called 'Giras'. Thus, the protection was purchased by the Girasias by surrendering portion of their estates. In return, the Gaekwar granted 'parwanas' to the Mulgirasias between 1811 to 1816. The parwanas stipulated that the Girasias should act as police, keep peace and furnish security for the proper behaviour of other people as well as themselves. In this manner, the erstwhile independent estates became part of the Baroda State and the Mulgirasias became the subjects of that State. The history of the evolution of the estates clearly shows that the Mulgirasias were not the grantees of the Gaekwar but were the proprietors of their villages and held lands wholly exempt from payment of assessment except in the case of the Piplag village whose Girasia paid Ankada and dasturi amounting to Rs. 753. The only amount payable to Government was the local cess of one anna in a rupee of assessment. This was the main incident of the tenure.

The Mulgirasias were confirmed in the possession of the lands held by them at the time of Maji Jarif (old survey) of 1863 but were subjected to full assessment for the encroached lands only. The tenure consisted of 10 entire villages and scattered lands in 98 khalsa villages in the Amreli district. The ten entire villages covered an aggregate area of 44,172 acres assessed at Rs. 67,043. The lands admeasuring 34,092 acres assessed at Rs. 73,328 were spread over 98 villages of the Amreli district. The Girasias enjoyed cash allowances amounting to Rs. 4,910 per annum. The villages, lands and the cash allowances were held by 545 Mulgirasias.

The rents payable by the tenants of the villages and lands were regulated by custom called 'Shegas'. According to the Shegas, the Girasias received annual income of the order of Rs. 75,000 from the entire villages and Rs. 72,000 from the scattered lands. Besides the collection of bighoti, they enjoyed certain cash haks such as rights to shares in the produce from the vaje lands, Mapa hak, Taka hak, Chirda hak, Kothli Santh, etc. These haks were commuted into cash allowances which aggregated to Rs. 4,910-8-0 per annum.

There was no single consolidated enactment which governed the tenure. However, the adoptions and mutations were governed by the Amreli District Mulgirasias (Adoption and Mutation) Rules, 1937, the cash haks by the Baroda Cash Allowance Rules, 1932, and the Crown Grants Act. Before adoption, the permission of Government was necessary and was given subject to payment of Nazarana of 2 or 4 annas in a rupee of

the cash allowance according as the adoption was from the same or outside the family. In the case of any unauthorised alienation to others, the Giras was liable to be made Khalsa. Owing to the chronic indebtedness of the Mulgirasias, the State framed rules in 1921 for purchase of the Girasias lands by Government for redemption of their liabilities. The State Government used to purchase such lands at an amount not less than 20 multiples of assessment and settled the Shahukar's debts out of the sums so realised.

In short, the Baroda Government continued the tenure as a matter of political expediency.

The tenure was abolished with all its incidents with effect from the 15th August 1953 by the Bombay Merged Territories (Baroda Mulgiras Tenure Abolition) Act, 1953. It terminated the Mulgirasias' right to receive any cash hak and subjected the Mulgiras lands to payment of full assessment. Further, it conferred occupancy rights on the Mulgirasias in respect of his mulgiras lands, and co-sharers in respect of such lands held by them in such villages. The other cultivators have continued as permanent, protected or ordinary tenants. The property and lands such as unbuilt village site lands, waste and uncultivated lands and other properties used by the public have vested in Government. The Mulgirasias' right to trees and forests are not affected.

Provision for compensation for abolition of the Mulgirasias' rights for properties and lands vested in Government is analogous to that provided in the Bombay Taluqdari Tenure Abolition Act, 1949. For abolition of the cash haks, the compensation is provided at seven times the amount of the haks.

The villages were unsurveyed and unsettled and the assessment was levied on the traverse rates with the result that assessment had to be fixed on an *ad hoc* basis under the Land Revenue Rule 19-O.

(14) *The Village Service Inams useful to Community of the Pre-merger Areas:*

In the ancient economy of Gujarat and Maharashtra, the villages were economically and administratively self-sufficient and autonomous units. The autonomy of the village units was not affected by the changes in political power. The continuity and stability of the village service was maintained by the village servants from generation to generation. In order to meet the

needs of the agriculturists and village industries, a group of village servants such as Joshis, Kazis, Khatibs, Suthars, Luhars, Kumbhars, barbers, etc. grew up. They were called Vasvayas (meaning persons who were settled in the villages for service) in Gujarat and Bara Balutedars in Maharashtra. By way of inducement, such persons were given scattered lands and cash allowances as emoluments for service. The grants consisting of entire villages were few and found in the Panch Mahals district only, viz. inam villages held by the Kazis (Sayyads), Mogalpur, Hamirpur, Parvadi, Piplia, Therka, Bhathiwada, Kaligam and Chitrodia. The villages Bathiwada, Kaligam and Chitrodia were resumed long before by levy of full assessment only. As regards Parvadi and Hamirpur villages, portions thereof were declared as evacuee property, as the holders thereof had gone to Pakistan. The villages were held as "Kazayat inam" from a date prior to the advent of the British.

The service inams of Gujarat were regulated by the Resumption Rules of 1908. The Bombay Hereditary Offices Act, 1874, was not applicable to those inams, but the Pensions Act, 1871, and the Invalidation of Hindu Ceremonial Emoluments Act, 1926, were applicable to these inams.

There were 9,653 village servants holding service lands measuring 40,601 acres assessed at Rs. 1,16,742 and involving Nuksan of Rs. 81,796 per annum. Besides, they received cash allowances amounting to Rs. 9,245.

The established practice and custom was that in the event of the breach of the conditions of the sanad or unauthorised alienations of the lands, the resumption was by levy of full assessment only.

With the mechanisation of transport facilities, the age-old self-sufficiency of the village economy broke down and the village servants began to look more and more to the towns and cities for gainful employment. Consequently, many village servants left their villages for nearby towns and the stipulated customary service came to be performed perfunctorily. Furthermore the service inam lands came to be alienated to outsiders unauthorisedly. Thus, the structure of village service useful to community was shattered by the impact of the mechanised means of transport and machine-made cheap goods of daily necessities. Thus, in most cases, these service inams became non-service, to all intents and purposes. Consequently Government framed the Bombay Service Inams (Useful to Community) (Gujarat and Konkan) Resumption Rules, 1954, and resumed all such inams

with effect from 1-12-1954. The Rules are applicable to Gujarat and Konkan only.

The *Resumption Rules* have abolished inams consisting of (a) grants of soil with or without exemption, and (b) grants of revenue only. In the case of the former, the resumption is outright: only an inferior holder paying assessment to the Inamdar has been recognised as occupant. In Gujarat, practically all those inams were grants consisting of exemption from payment of land revenue only with the result that the resumption is by levy of full assessment only. For the resumption of cash emoluments, compensation is payable at seven times the amount of the emoluments.

The above Resumption Rules of 1954 apply to the service inams in Gujarat and the Konkan but as such inams of the Deccan¹ were governed by a statute, they were resumed by the Bombay Village Service Inams (Useful to Community) Abolition Act, 1953, with effect from the 1st April 1954.

The Act broadly divides such inams into two categories, viz. (1) those which were adjudicated under Rule 8 of Schedule B of the Bombay Rent-free Estates Act, 1852, and (2) those which were not so adjudicated. In the case of the former, the holder and the inferior holder paying assessment only have been recognised as occupants without payment of any occupancy price; whereas in the case of the latter, occupancy rights are conferred on payment of occupancy price equal to six times the assessment during the period ending 30th March 1959; and occupancy is not transferable or partible by metes and bounds without permission of the Collector and without payment of Nazarana equal to 20 times the assessment of the lands.

The resumption of these inams required no alternative administrative arrangements. Whether the resumption of those inams has resulted in better facilities and economies in the villages remains to be assessed.

(20) *The Jagirs:*

Like the Saranjams and political inams in the districts of the pre-merger Gujarat and Maharashtra, there were Jagirs covering several categories in the merged territories and areas. They could be broadly divided into two categories, viz. (1) those granted for maintenance to the members of the royal family,

¹ The Deccan area includes the districts of East Khandesh, West Khandesh, Ahmednagar, Nasik, Poona, Satara and Sholapur.

and (2) those granted in services to the State or valour in war. These two categories of Jagirs were found in all the former States and estates of Gujarat and the Deccan. The maintenance grants were called *Jiwarak*, *Jiwai* or *Ayada* and were held generally by the younger brothers of the Rulers and cadets.

In the former States of Idar, Palanpur, Lunawada, Sant, Danta, Malpur, etc., certain Jagirs were given to the Sardars for military service under pattas. They were, therefore, called *Patawali Jagirs*. In the States of Idar and Palanpur, there were *Bhomia Jagirs* which antedated the advent of the British. The Jagirdars were on the soil (भूमि) and were, therefore, not the grantees of the Rulers concerned. In the ex-Tharad State, there were special Jagirs called *Jamaiya Jagirs* because the Jagirdars had to pay to the Tharad State Jama which was fixed in relation to the produce of the land. Further, in the Dharampur State, there were *Chakariat Jagirs* held by the Bhil Naiks for service of protecting that State from the depredations of the Pindaris from across the border. Besides, there were *Bhagena* or *Bhagila Jagirs* implying that the village revenues were co-shared in different proportions between the State and the Jagirdars concerned. Lastly, the merger of the States and estates created unwittingly one more category of the Jagirs. In 1948, certain holders of the States and estates in the districts of Sabar Kantha, Banas Kantha, Mehsana and Baroda executed the Zamindari agreements. Under these agreements, the estate-holders were entitled to collect rent in cash or kind from the cultivators of these villages and had to pay to the Government of India only the total annual contribution, which they used to pay to the Government of India before the merger till the survey and settlement was introduced in those States. As a result, Government could not assume the entire administration of 73 small estates in Baroda, Sabar Kantha, Banas Kantha and Mehsana districts. Thus, the Zamindari agreements created a new type of intermediary interests like the Jagirs. They might be called "*Zamindari Jagirs*". In Maharashtra, the Jagirs were found in the States of Kolhapur, Janjira, Bhor, Sawantwadi, etc.

In short, the expression 'Jagirs' covered a medley of grants for maintenance, appreciation or remuneration created for reasons of political expediency or exigencies of administration.

As stated above, most of the Jagiri villages were situated in the former States of Kolhapur, Idar, Palanpur, Deogadh Baria, Lunawada, Rajpipla, Dharampur and in the Kankrej, Deodar, Suigam Thanas, Pandu Mehwas, Sankheda Mewas and

the small estates merged in the Sabar Kantha district. Most of the Jagiri villages in the States mentioned above were surveyed and settled during the State regimes. But the Jagirs covered with hills, forests and saline sandy soils were not surveyed and settled. In these Jagirs, the systems of land revenue was either Bhagbatai, Vaje, Hol Narwa (plough tax) in Palanpur and Idar or Padri in Danta. Under the Bhagbatai and Vaje systems, the States' share was fixed on an *ad hoc* basis. The caste of the cultivator often determined the amount of land revenue payable by a particular cultivator. In the States like Idar, Sankheda Mewas and Pandu Mewas, cultivators were granted occupancy rights on payment of Sakar, Nazarana or market value.

There were about 3,000 entire Jagiri villages in Maharashtra and Gujarat, which were held partly or wholly free from payment of assessment to the Rulers concerned.

All these Jagirs were abolished under the Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953, with effect from the 1st August 1954. The Act applies to grants consisting of entire alienated villages and portions of villages and not to the scattered lands and cash allowances. It classifies the Jagirs into proprietary and non-proprietary. Besides, it recognises another category of Jagirs called the lifetime jiwai Jagirs. Such Jagirs could be either proprietary or non-proprietary.

Occupancy rights are recognised in respect of Gharkhed lands held by Jagirdars or cadets and the lands held by permanent holders. Tenants in proprietary and non-proprietary villages are made eligible to the rights of occupancy on payment of the occupancy price equal to six multiples of assessment, to the Jagirdars and the State, respectively. As usual, the devasthan and dharmada inams held for the institutions and inams held for service useful to Government are saved.

The vesting of public properties and lands is on the analogy of other Abolition Acts. There is also the usual saving of the Jagirdars' rights to mines and minerals and forests.

As regards compensation provision, the pattern of the Bombay Taluqdari Tenure Abolition Act, 1949, is followed for the proprietary Jagirs and that of the Ankadia Tenure Abolition Act, 1953, for the non-proprietary Jagirs. In the case of the lifetime jiwai Jagirs, however, the compensation is provided at ten times the average amount of land revenue recovered by or due to the Jagirdar.

As the abolition of the personal inams created uproar amongst the Inamdars in the former Bombay State areas, the abolition of the Jagirs created much consternation and uproar amongst the Jagirdars in the merged territories and areas. Next to the personal inams, this measure has affected all sorts of holders of Jagirs in one respect or the other.

(16) *The Miscellaneous Alienations in Merged Territories:*

After abolition of the Baroda watans and non-ryotwari tenures such as Ankadia, Matadari, Okhamandal, Salami and Jagirs from the merged territories and areas, several miscellaneous alienations consisting of scattered lands and cash allowances survived.² The alienations were mainly made for maintenance to the Maharaj Kumars and other members of the royal family and to other persons as a reward or remuneration for services connected with the administration of the State. Such grants were spread over all the States and estates merged in Gujarat and Maharashtra. Broadly speaking, the grants were made by the ex-Rulers owing to the exigencies of administration and political expediency in that when the elder son of the ex-Ruler succeeded to the *Gadi*, he had to provide for the maintenance and status of the Maharaj Kumars and other members of the royal family and had to reward services of persons connected with the State in and outside the administration. This was the genesis of these grants in the past. The alienations were called by different names such as Jiwarak, Nakri, Adania, Girwi hak, inam, Barkhali, Gharenia, etc. They were either hereditary or for lifetime of the grantee. When the States and estates merged in 1948-49, the Bombay Government and the Central Government recognised certain grants such as maintenance allowances to the cadets and others. In this category fell annuities, Parvashi Nirvah, Ashrit, Jiwai, Nemnooks or Jiwarak grants. All those grants were treated as lifetime grants at the time of the overall settlements of the claims of the Rulers and their cadets. Those grants consisting of lands and cash allowances were more or less of a uniform character. But the grants in Baroda were distinguishable in that they were subject to service and succession cuts, i.e. they were not fixed and permanent but were self-extinguishing at the end of two or three generations. The Baroda State envisaged gradual extinction of the alienations in lands and cash by the

² The alienations consisting of entire villages or portions of villages in the merged territories were resumed under the Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953.

cuts on account of service and succession. Besides many grants were for the lifetime of the grantees only. Further, in the inam villages, the Inamdars were entitled to village revenues and not to soil, i.e. they were the assignees of land revenue only.

These alienations were found in all the districts of Gujarat and Maharashtra wherein different States and estates had merged. In the chapter relating to survey and settlement, it has already been stated that the lands were either surveyed and settled or unsurveyed and unsettled. As regards the former category, the lands had to be scientifically surveyed and settled and as regards the latter, *ad hoc* assessments had to be fixed according to the provisions of the L.R. Rule 19-O till the full-dress settlement was made by Government. The existence of the Bhagbatai, Narwa, Vaje, Padri and Halbandhi systems in those areas made it extremely difficult to fix the initial settlement.

In order to abolish all those alienations, the Bombay Miscellaneous Aliens Abolition Act, 1955, was enacted and enforced with effect from the 1st August 1955.

It applies to the *merged territories only* with the result that the alienations existing in the *merged areas* are not affected by the provisions of the Act. The definition of the expression "alienation" given in the Act covers a wide category of alienations such as entire villages, portions of villages consisting of grants of soil with or without exemption from payment of land revenue or of assignment of land revenue, total or partial exemption from payment of land revenue, cash allowances or allowance in kind of any type by the ruling authority before the merger or by the State Government after the merger including wanta and giras lands and cash allowances of the Baroda State. The Baroda Barkhali lands in relation to wanta or giras are specifically defined to mean land held as Jiwai, Jat Dharmada, Devasthan, Pirsthan, Vechania, Gharania, Pasaita, Chakariat, Dharmada Chakariat, Jat Pasayata, Kanyadan or Batha- mania and treated as permanent alienations under the Baroda Giras Rules.

Although the definition of 'alienation' covers entire villages, Government has decided that the entire alienated villages should be deemed to have been abolished under the Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953, and not under this Act. The net result of these orders is that this Act

would cover alienations consisting of scattered lands, assignment of land revenue and cash allowances only.

The Act does not apply to certain types of alienations such as—

- (1) devasthan inams or inams held by religious or charitable institutions,
- (2) alienations held for service useful to Government other than watan,
- (3) any pension granted to an ex-servant of a former Indian State in consideration of the service to a State,
- (4) revenue-free sites granted for dispensaries, schools, etc.,
- (5) compensation payable to the Saranjamdars of the Kolhapur Feudatory Jagirdars, etc.

Broadly, the Act divides the alienations in the following six categories, viz.—

- (1) the community service inam lands (section 6),
- (2) the paragana and kulkarni watan lands (section 7),
- (3) the Baroda Wanta or Giras lands (section 8),
- (4) the residual alienations not covered by categories (1) to (3) above (section 9),
- (5) cash allowances in cash and kind (section 15), and
- (6) assignments of land revenue (section 14).

The provisions in respect of these categories of alienations follow the pattern of the previous Abolition Acts.

(1) As regards the *community service inams*, the alienation enquiries had revealed that there were three States in Gujarat, viz. Rajpipla, Radhanpur and Baroda, where hereditary inams of this category were found. In *Rajpipla*, the inams were hereditarily continuable subject to performance of service and were non-transferable. They were settled during the State regime. In Radhanpur, although the inams were hereditary, and held rent-free, they could not be settled owing to the delaying tactics of the Charans and others in the course of the alienation enquiries held from the years 1937 to 1946. However, the largest number of such inams was found in the Baroda State in which they were governed by the Gam Nokri Rules, 1905, as amended from time to time. The remuneration was partly in land and partly in cash. The service was hereditary. The inam lands could not be alienated by the village servant. The original grant was of soil with or without exemption from payment of land revenue.

The community service inams were generally resumable for failure to perform the requisite service. They were found in practically all the parts of the merged territories. These alienations in land and cash are resumed. But the holders are eligible to the re-grant of the resumed lands on payment to Government of the occupancy price equal to six times the assessment of the land within a period of five years from the enforcement of the Act.

(2) As regards the *paragana and kulkarni watans*, it may be safely stated that there were no kulkarni watans in the merged territories in Gujarat. But they were in Deccan States. In some States like Balasinor, Rajpipla, etc., there were paragana watan lands and cash allowances, which were decided as personal inams in the alienation inquiries held during the State regimes. It may, therefore, be broadly stated that there were no paragana watans in the merged territories of Gujarat with the result that section 7 of the Act would remain inoperative. But as such paragana watans were found in practically all the Deccan States, section 7 would apply.

(3) As regards the *Wanta and Giras lands* covered by the Baroda Giras Rules and falling under section 8, it is necessary to specify the categories of lands which are covered under the different sub-sections of this section. Under section 8(1)(i)(a)(b) fall the non-Barkhali lands called Dania or Vajedaria held almost rent-free. They were so called because the Girasias received *dan* or *Vaje* from their tenants. If such lands were in a compact block of 100 bighas, it was called a Wanta, but if it was less than 100 bighas and lying scattered over the village, it was styled as Giras. The Girasia in respect of the land in his actual possession is recognised as an occupant. The permanent tenant is conferred such rights on payment to the Girasia of occupancy price of 6 multiples of assessment.

Under section 8(1)(ii) fall the Barkhali lands given by Girasias to their cadets for maintenance (*jiwai*) rent-free. Here also, the Jiwaidar in respect of the lands in his actual possession is recognised as occupant. The permanent tenant is conferred such right only on payment to the Jiwaidar, occupancy price equal to six multiples of assessment. The inam lands covered by section 8(1)(iii) are any other Barkhali lands other than Devasthan and Pirsthan lands or lands held for service. In practice, no inam lands held for service useful to Government existed in the Wanta or Giras. But there were Dharmada Chakariat and Pasayata Chakariat lands held rent-free, which

were not permanent alienations. Such lands are covered by the second proviso of section 8. For acquisition of occupancy rights in respect of these lands, the holders shall have to pay to Government the occupancy price equal to six multiples of assessment fixed on the land. The new occupancy will be held on restricted tenure. For making it transferable or partible, the Collector's permission and the payment of Nazarana equal to twenty times the assessment are necessary.

It should be clearly understood that the Wanta and Giras covered by section 8 were only the guaranteed Giras and Wantas, the non-guaranteed Giras being left to be covered by section 9.

(4) As regards the *residual alienations* covered by section 9, all alienations of the category of personal, dharmada or political character would be covered by section 9 of the Act. Amongst the Baroda alienations, the following alienations fall under this section:

- (a) the dharmada chakri lands not connected with any devasthan,
- (b) non-guaranteed wanta-giras lands,
- (c) salamia,
- (d) jat-dharmada,
- (e) vajifa,
- (f) Hadia,
- (g) Ranvatia,
- (h) Vechania,
- (i) Gharenia, and
- (j) Bathamania.

Persons in actual possession of the alienated lands or persons holding through or from the Inamdars and the inferior holders paying assessment are recognised as occupants on payment to Government of occupancy price equal to six times the assessment if the alienation consisted of the grant of the soil with or without exemption from payment of land revenue. If the original grant consisted of exemption from payment of land revenue only, no occupancy price would be recoverable. If such land was not alienable without the permission of a competent authority, it could not be transferable or partible without the sanction of the Collector and without payment of Nazarana equal to 20 times the assessment of the land.

As usual, all public roads, lanes, paths, etc. river, tanks, etc., all unbuilt village-site lands, all waste lands and all uncultivated

lands (excluding lands used for building or non-agricultural purposes) are vested in Government but the rights of persons other than the alienees are not affected by such vesting.

The alienee's subsisting rights to mines and minerals are not affected; so also his rights to trees, the ownership of which has been transferred by the State Government under any contract, grant or law.

Compensation:

As regards the compensation provisions, the pattern of compensation for the lands vested in Government under section 11 is analogous to that in the Bombay Taluqdari Tenure Abolition Act, 1949. But the provisions relating to compensation for abolition of the alienation consisting of assignment of whole or part of land revenue of a village varies according as the assignment was hereditarily subject to service or succession cuts or for the lifetime of the holder. If the assignment was hereditary without any cuts, the compensation at seven times the amount of land revenue is awardable; if it was hereditary but subject to the cuts, then five times the amount of such allowance. If it was for the lifetime, only three times the amount of land revenue is awardable.

(5) The *cash allowances* of the ex-Baroda State were subject to service and succession cuts. They were of the following categories:

<i>Nature of allowance</i>	<i>Whether subject to cuts or not</i>
1. Barkhali assamis.	Subject to service and succession cuts. Since these allowances were granted to the relatives (Rajgan Apta and Soyare) of the Maharaja concerned, the rules relating to the cuts were not strictly applied, but each case was decided according to the wishes of the Maharaja.
2. Compensation.	Only succession cut. No service.
3. Kothlisanth.	Succession cut at the first mutation. Non-service.
4. Chirda hak.	Non-service and not subject to succession cut.
5. Non-guaranteed Giras.	- do -

<i>Nature of allowance</i>	<i>Whether subject to cuts or not</i>
6. Jakat hak.	Non-service but continuable during the lifetime of the holder.
7. Sayar hak.	- do -
8. Moglai hak.	Non-service but succession cut.
9. Pensions.	Held by Waghers and Wadhels of Okhamandal subject to succession cut.
10. Varshasans.	Service and succession cuts. Resumed on the death of the holder.
11. Abkari hak.	Non-service but succession cut.
12. Kalal bhatti.	- do -
13. Fauz assami.	Subject to service and succession cuts. Only nine first class holders were exempt from succession cut.
14. Guaranteed Giras.	Non-service and succession cuts.

The claims to compensation for these and similar other allowances of other States and estates will have to be carefully decided having regard to the rules, practices and usages of the States concerned.

(6) The above pattern of the provisions is followed in the case of the *allowances payable in cash or kind*. If such allowance was payable in kind, its value is to be commuted into cash. However, the provisions of section 15 created great hardship to minors, unmarried females, and persons taking education, who were left without sufficient resources to maintain themselves or pursue their studies. Some cases deserving the continuance of the allowances on compassionate grounds were also brought to the notice of Government soon after enforcement of the Act. In order to achieve these objectives, the Amendment Bill³ of 1956 is passed amending the provisions of sections 15 and 26 of the Act. Such allowances are to be continued as under and are payable *in cash and not in transferable bonds*:

<i>Category of recipient of the allowance</i>	<i>Period upto which the allowance should be continued</i>
(1) Widow for her maintenance.	For the remainder of her life.

³ The President's assent to this Bill is awaited.

<i>Category of recipient of the allowance</i>	<i>Period upto which the allowance should be continued</i>
(2) An alienee for purpose of education.	For the period and conditions mentioned in the grant.
(3) A minor.	Till he attains the age of 21 years.
(4) An unmarried female.	Till she marries.
(5) A person (i) who has no other source of income or (ii) if he has other source of income, but it is insufficient for his livelihood, (iii) he is incapable of earning livelihood on account of old age, mental or physical infirmity or other reason.	During his lifetime or for a lesser period that may be decided by Government.

The amount so payable is to be treated as compensation and not cash allowance because after resumption of the allowance either in cash or kind under the Act, they do not survive.

It is quite evident that this amendment will go a great way in allaying the anxieties of several members of the ruling family and other persons who would have been left with nothing after resumption of these allowances, either for maintenance, education or their adequate standard of living. The effect of this amendment will be that almost all the allowances continued after the integration and held by cadets and other persons will have to be continued and paid for the periods set forth in the Act. It will also have the effect of rehabilitating the persons who were suddenly deprived of their livelihood. The Amending Bill is a very important departure from the usual pattern of the compensation provisions in the Abolition Acts.

Other provisions follow the pattern of other Abolition Acts. The provisions of this Act are dealt with in great detail because several difficulties are felt at the district and the taluka levels in its implementation.

(17) *The Bhil Naik Inams:*

The Bhil Naik Inams were found in the districts of West Khandesh and Nasik. They were of great antiquity and had

always been held on conditions of service, though it was doubtful whether the service rendered had even been anything more than of a general obligation to perform any special duty which might have been required for the preservation of the peace. The inams consisted of small villages in the vicinity of forest tracts and hills. In the accounts of the British Government, those inams were shown as saranjams or inams held for service. They were not brought under the Summary Settlement during the last century. The tenure of these inams was decided by Government in 1902 to the effect that those inams should be treated as service inams and their tenure should be determined not under the Watan Act of 1874 but on political considerations. Accordingly, under that settlement, those inams were continuable hereditarily to the lineal male descendants in the male descent of the holder on the 1st January 1901. If the male line of the above-mentioned persons became extinct, the inams were to be withheld until the pleasure of Government was known. They were also subject to the condition of performance of any service consistent with the grant and proportionate to its amount as required by Government. The inams were guaranteed subject to the conditions that—

- (1) the holders remained faithful to the British Government;
- (2) were not guilty of plunder, molestation of travellers or abatement thereof;
- (3) were to assist Government officials in the preservation of peace; and
- (4) were not to mortgage or otherwise alienate any portion of revenues of the inams.

The sanads were granted to the Bhil Naiks on the basis of this settlement in 1903. Those sanads specifically provided that the rights to mines and minerals in these inams were reserved by Government.

The Bhil Naik inams consisted of 27 entire villages (5 villages in Shahada and Nawapur talukas of the West Khandesh district and 22 villages in Baglan, Kalwan talukas and Surgana Mahal of the Nasik district), scattered lands in the villages of Dhanor and Raighad of the Nandurbar taluka of the West Khandesh district and 3 villages of the Baglan taluka of the Nasik district. The statistical information about the entire inam villages is tabulated below:

Name of Taluka	No. of Villages	Area	Assessment	Judi, if any, paid by the Inamdar
West Khandesh and Nasik districts ..	27	34,130-15½	19,014-14-11	5,295-1-11

Although the Bhil Naik Inams were granted on political considerations, they were treated as service inams useful to Government in the Land Alienation Registers. Since service sanads were granted by Government in 1903, they could not be covered by the Bombay Saranjams, Jahagirs and other Inams of Political nature, Resumption Rules, 1952, nor under the Bombay Village Service Inams (Useful to Community) Abolition Act, 1953. These inams were, therefore, abolished under the Bombay Bhil Naik Inams Abolition Act, 1955, with effect from the 1st August 1955. As usual, the Act does not affect the devasthan inams or inams held for religious or charitable institutions and inams other than Bhil Naiks inams held for service to Government. Under the Act, all such lands are resumed and re-granted according to the categories of lands and on payment of occupancy price to Government as stated below:

- (1) lands in the actual possession of the inamdars without charging any occupancy price;
- (2) lands in the possession of persons holding through or from the inamdars, other than the inferior holders holding their lands on payment of assessment only, on payment of occupancy price equal to 3 or 6 times the assessment of lands according as the holder does or does not belong to the backward class including scheduled class and scheduled tribe;
- (3) lands in the possession of the inferior holders paying assessment to the inamdars on payment of occupancy price equal to one assessment.

It may be noted that the levy of occupancy price equal to one assessment of the land from the inferior holder is a departure from the usual pattern of the Abolition Acts.

As usual, the lands are re-granted on inalienable and impartible tenure. The conditions of inalienability and impartibility will be relaxed by the Collector on payment of Nazarana equal to 20 times the assessment of the land used for agricultural purposes and 50% of its market value for non-agricultural uses. If

any land used for agricultural purposes at the time of relaxing these conditions is used for non-agricultural purpose later, an amount equal to the difference between 50% of the market value of the land and 20 times of the assessment will be charged for permission to make non-agricultural use.

There are no special provisions made regarding the rights of the Bhil Naiks to forests, mines and minerals. As a result, they will be governed by the provisions of the Indian Forest Act and the Bombay Land Revenue Code. Forest rights and the rights to mines and minerals in regard to waste and uncultivable lands have been vested in Government. For extinguishment of these rights, the inamdars are not entitled to any compensation because the inams were held for service.

B—SAURASHTRA

The Agrarian Reforms Commission, 1950:

In Saurashtra there were two privileged tenures, viz. Girasdari and Barkhali and the holders of the villages and lands were called Girasdars and Barkhalidars. There were constant disputes relating to rents and gharkhed between the landlords and their tenants. In order to settle their relations and rationalise the system of revenue administration, in 1950, the Government of India appointed the Agrarian Reforms Commission. The Commission recommended the abolition of the Girasdari and Barkhali tenures and conferment of occupancy rights on the existing tenants. Girasdars were to be classified for compensating them for the loss of the agricultural lands which would pass to their tenants. It recommended grant of compensation for non-agricultural lands, assets and dues and allotment of lands for Gharkhed. In the process of allotment of lands for Gharkhed to the tenure-holders, the Commission estimated that there would be about 4,800 evictions of tenants. The Commission considered those evictions as a reasonable sacrifice for solving this complex land tenure problem. After prolonged consultations with the Girasdars and Barkhalidars, who made an agitational approach to the problem, three Bills were prepared with the common consent and passed by the State Legislature into the following Acts:

- (1) the Saurashtra Land Reforms Act, 1951,
- (2) the Saurashtra Barkhali Abolition Act, 1951, and
- (3) the Saurashtra Estates Acquisition Act, 1952.

We will see presently that these Acts provide far more liberal compensation than that recommended by the Commission and simultaneously ensure that no tenant should be evicted in allotment of lands for Gharkhed to the tenure-holders.

(1) *The Girasdari Tenure:*

The generic term '*Garasia*' included Talukdars, Bhagdars, Mulgirasias and Bhayats, who were landholders with proprietary rights. The Girasias collected and enjoyed the revenues of their lands in their own right. "All the same, it can scarcely be gainsaid that the proprietary rights of the Garasdars in Saurashtra were circumscribed by limitations some of which were inevitable and some were imposed on account of political exigencies or requirements of feudal economy." (The Commission's Report, para 34).

There were 33,000 Girasdars holding lands in 1,726 villages covering about 29 lakhs acres. From this area, about 8,000 Girasdars held $7\frac{1}{2}$ lakhs acres as Gharkhed. There were 17 lakhs acres of lands under cultivation of 55,000 Girasdars' tenants. They used to pay to Government land revenue at a flat rate of 4 annas per acre on Gharkhed and $12\frac{1}{2}\%$ of rent per acre on non-Gharkhed lands.

On the basis of the recommendations of the Commission, the Saurashtra Land Reforms Act, 1951, was enacted. It abolished the Girasdari system with all its incidents with effect from the 1st September 1951. It divided the Girasdars in three classes, viz. *A Class*—those holding more than 800 acres of lands, *B Class*—those holding between 120 and 800 acres, and *C Class*—those holding less than 120 acres. The Girasdars are allowed to hold their Gharkhed lands and in addition are allotted additional lands from the acreage held by their tenants according to the class of the Girasdars. The A Class Girasdars are allotted lands upto three economic holdings; B Class between $1\frac{1}{2}$ and $2\frac{1}{2}$ economic holdings and C Class only half the area of the land in possession of their tenants but limited to 1 or $1\frac{1}{2}$ economic holdings. The limits are worked out on the total holding comprising Gharkhed and the allotted lands.

The Girasdars are made occupants of the Gharkhed and allotted lands. Their tenants are made occupants in respect of the lands which remained after allotment to the Girasdars, on payment to the Girasdars occupancy price equal to six times the assessment of the lands. It is made lawful for such tenants to mortgage their lands to the State Bank, Co-operative Society

or a Land Mortgage Bank for obtaining the necessary money to pay the occupancy price. Accordingly, 22,338 Girasdars have become occupants in respect of 5,64,923 acres. Out of 67,004 Girasdari tenants, 58,000 tenants have become occupants in respect of 12,74,189 acres.

Since certain tenants were not coming forward to apply for occupancy rights under section 28(1), the Saurashtra Land Reforms (Amendment) Act, 1955, was enacted empowering the Settlement Commissioner to acquire occupancy rights in respect of such lands by declaring that he should hold them *as an occupant in trust* and on behalf of such tenants, the occupancy price of six times the assessment should be paid by the Settlement Commissioner to the Girasdars concerned. The Settlement Commissioner would continue as an occupant in trust till the amount paid to the Girasdar by him (the Settlement Commissioner) as compensation in respect of such occupancy holding is recovered in full from the tenant. The tenant has to pay to the Settlement Commissioner $2\frac{1}{2}$ times the assessment payable to the Girasdar. Out of this amount, single assessment would be credited to Government as land revenue and the remaining $1\frac{1}{2}$ assessment towards the amount paid to the Girasdar as compensation. This Amending Act would help reduce the number of tenants by enabling them to purchase occupancy rights.

The Saurashtra Land Reforms Act, 1951, was amended ⁴ for the third time in 1954 in order to provide for the claims of the widow-Jiwaidar of the Girasdar (*vide* Saurashtra Land Reforms (Amendment) Act, 1954).

The Act makes all lands liable to the payment of land revenue to the State. But the liability differs according to the class of the Girasdars.

(2) *The Barkhali Tenure:*

The Barkhalidars were land-holders who comprised the following categories, viz.—

- (1) inamdars, including Imperial grantees, i.e. grantees of the former paramount power such as the Emperor of Delhi, the Peshwa or the Gaekwar;
- (2) Jiwaidars;
- (3) dharmada including Kherati grantees; and

⁴ In order to enable Government to exercise revisional authority under this Act, section 63 was substituted wholly by a new section by the Amending Act of 1956.

(4) service-tenure holders such as Chakariats and Pasaitas.

The fundamental fact about these holders was that they had no proprietary interests in the lands held by them, but were entitled to the usufruct of their holdings. The Barkhali lands consisted of entire villages and lands. There were 19,248 Barkhhalidars holding 8 lakhs acres of lands. Out of these lands, 5,600 Barkhhalidars held nearly 1,60,000 acres as Gharkhed. The Barkhali tenants numbered 28,553 having under their cultivation lands admeasuring 5,70,000 acres. They used to pay to Government 4 annas per acre from Gharkhed land and $12\frac{1}{2}\%$ of assessment from the non-Gharkhed land yielding an annual revenue of the order of Rs. 2,78,125.

In order to remove these intermediaries from village administration, the Saurashtra Barkhali Abolition Act, 1951, was enacted. It abolished the Barkhali tenure with all its incidents with effect from the 1st September 1951. All the rights, titles and interests of the Barkhhalidars in the agricultural lands comprised in the Barkhali estates were resumed and vested in Government free from all encumbrances.

The occupancy rights were conferred on the Barkhhalidars in respect of his Gharkhed lands and the additional lands allotted to him under the Act. The allotment of lands was made to a Barkhhalidar in whose estate the agricultural land was equal to two economic holdings or less and who was not a Chakariat, dharmada institution or Jiwaitdar for life. The tenants were first given an area equal to half the economic holding and thereafter if any Barkhali land remained, the Barkhhalidar was given land to make up half an economic holding including Gharkhed and Khalsa land in his possession. The maximum land to be allotted was not to exceed one economic holding. Thus, the existing tenants were not deprived of their entire holdings in the process of allotting additional lands to the Barkhhalidars. Under these provisions, the Barkhhalidars and their tenants have become occupants in respect of 1,95,364 and 4,75,033 acres, respectively.

As regards the Gharkhed lands cultivated personally by a holder of religious and charitable institution, the religious or charitable institution was recognised as an occupant of those lands. Thus, the element of alienation was abolished in respect of the Gharkhed lands held by those institutions. This provision is unlike the Bombay Abolition Acts which save the inams held by such institutions.

(3) *The Saurashtra Estates Acquisition Act, 1952:*

This Act was passed in order to acquire certain estates of the Girasdars and Barkhalidars, which were not vested in Government under the Saurashtra Land Reforms Act, 1951, and the Saurashtra Barkhali Abolition Act, 1951. Mainly it affected the non-agricultural assets of such tenure-holders. It is modelled on the provisions of section 6 of the Bombay Taluqdari Tenure Abolition Act, 1949, with suitable variations. It came into force in February 1952.

The Act empowers the State Government to vest any estate or a part thereof with effect from a specified date by a notification in the Gazette. The properties and lands so vested are all public roads, lanes, paths, etc., all culturable and uncultivable waste lands (excluding land used for building or other non-agricultural purposes), all bid lands, all unbuilt village site lands and village site lands on which dwelling houses of artisans and landless labourers are situated and all schools, dharamshalas, village choras, public temples and such other public buildings or structures together with the sites. It does not, however, apply to the Gharkhed and allotted lands of the Girasdars and Barkhalidars and the lands held by the tenant-occupants.

The Saurashtra Estates Acquisition Act of 1952 vested certain lands in Government. Some of the Girasdars and Barkhalidars, who had to apply for compensation within 12 months from the date of vesting, could not apply for compensation within that period. In order to enable such tenure-holders to apply for compensation, the Act is amended in 1956 extending the period of application to 1-7-1956.

The Saurashtra Landholders (Recovery of Records) Act, 1954:

On the model of the Bombay Recovery of Records Act, 1953, the Saurashtra Landholders (Recovery of Records) Act, 1954, has been enacted for taking over the records maintained by certain classes of holders of villages and lands.

(4) *The Kutch Tenures:*

In Kutch, as regards the land tenure reforms, the State Government has framed a legislation for abolition of the Jagirs which include lands held on various tenures commonly known as Girasdari, Mulgiras, Bhayati, Chakariat, Danodi, Dharmada, Kherati or any Passa tenure by whatever name called with similar incidents. It appears to be an omnibus legislation to cover all alienations in the State consisting of entire villages, portions of

villages, lands involving total or partial exemption from payment of land revenue, assignment of land revenue either in part or whole and cash allowances. The Bill follows generally the pattern of the Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953. Before the reorganization, it was under the consideration of the Government of India and now of the Bombay Government.

In short, the Kutch State has not been able so far to pass any legislation with a view to the reform of the land tenures consisting of the itam and non-ryotwari tenures.

CHAPTER 12

THE LAND TENURES: BOMBAY (*Contd.*)

GLIMPSES OF THE OPERATIONAL PICTURE

Conferment of Occupancy Rights:

We have seen that although the scope of the Land Tenures Abolition Acts is restricted to primarily to the abolition of the various inam and non-ryotwari tenures and thereby to the removal of the unnecessary intermediaries between Government and the tillers of the soil, they incidentally provide for conferment of occupancy rights on the tenure-holders or others either by recognition of their possession or re-grant of the resumed lands without or with payment of a concessionary occupancy price equal to six multiples of assessment fixed on the land. The Acts may therefore conveniently be classified into (1) those which confer occupancy rights on payment of occupancy price and (2) those which confer occupancy rights without payment of such price. The following Acts provide for recognition or conferment of occupancy rights on the tenure-holders, inferior holders paying assessment, registered occupiers or occupants and permanent holders without charging occupancy price:

- (1) The Bombay Bhagdari and Narwadari Tenures Abolition Act, 1949.
- (2) The Bombay Taluqdari Tenure Abolition Act, 1949.
- (3) The Bombay Panch Mahals Mehwasi Tenure Abolition Act, 1949.
- (4) The Bombay Saranjams, Jahagirs and other Inams of Political Nature, Resumption Rules, 1952.
- (5) The Bombay Personal Inams Abolition Act, 1952.
- (6) The Bombay Merged Territories (Baroda Mulgiras Tenure) Abolition Act, 1953.
- (7) The Bombay Merged Territories (Matadari Tenure) Abolition Act, 1953.
- (8) The Bombay Merged Territories (Ankadia Tenure) Abolition Act, 1953.
- (9) The Bombay (Okhamandal Salami Tenure) Abolition Act, 1953.
- (10) The Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953.

(11) *The Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955.*

(12) *The Saurashtra Land Reforms Act, 1951.*

(13) *The Saurashtra Barkhali Abolition Act, 1951.*

No occupancy price is to be recovered from the tenure-holders and others because they enjoyed full occupancy rights before the abolition of the tenures and the Acts have given a statutory recognition to the *de facto* position.

The following Acts, however, provide for re-grant of the resumed lands to the tenure-holders, permanent tenants, inferior holders paying assessment or tenants paying rent or land revenue on payment generally of occupancy price equal to six multiples of assessment fixed on the lands:

- (1) *The Bombay Taluqdari Tenure Abolition Act, 1949.*
- (2) *The Bombay Paragana and Kulkarni Watans Abolition Act, 1950.*
- (3) *The Bombay Merged Territories (Baroda Watans) Abolition Act, 1953.*
- (4) *The Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955.*
- (5) *The Saurashtra Land Reforms Act, 1951.*
- (6) *The Saurashtra Barkhali Abolition Act, 1951.*
- (7) *The Bhil Naik Inams Abolition Act, 1955.*

The Acts provide for re-grant and conferment of occupancy rights subject to payment of concessionary occupancy price, because the tenure-holders and others had no proprietary or other heritable and transferable rights in the lands. In the case of the proprietary tenures like the Talukdari the Jagirs and the Girasdari tenures, the occupancy price is payable to the Talukdars, Jagirdars and the Girasdars. But in the case of the non-proprietary tenures, such as Ankadia, Matadari, Barkhali and the miscellaneous alienations, the same is payable to Government.

Thus, the Abolition Acts provide not only for the abolition of the special land tenures, but also for upgrading the tenants-cultivators to the status of occupants on or without payment of occupancy price according to the tenancy rights enjoyed by them in a particular tenure. These provisions have not only reduced the number of tenants and inferior holders but have also paved the way for making the remaining tenants the owners thereof under the Tenancy Amending Act of 1955.

(2) *Liability to the Payment of Land Revenue:*

In the Land Tenures Abolition Acts, the provisions relating to the liability to the payment of land revenue after resumption of inams and non-ryotwari tenures are generally uniform with modifications to suit the local conditions. The departure is made owing to the overriding considerations of political expediency and exigencies of administration. These provisions are reviewed region-wise.

(a) *Gujarat and Maharashtra:*

Besides the removal of the intermediaries from the revenue administration, the most important effect of the Bombay Abolition Acts is the introduction of the ryotwari system in respect of the villages and lands concerned by making them liable to the payment of land revenue in accordance with the provisions of the Bombay Land Revenue Code and the Rules thereunder. Broadly speaking, there is no provision for graduated levy of assessment or exemption from payment of land revenue either in part or whole except in the case of the devasthan and dharmada inams held for the religious and charitable institutions and the service inams of village servants useful to Government which are not affected by those Acts. The liability to payment of full assessment commences on the dates the Acts are brought into force (the appointed day). These dates vary with different Acts and have been fixed on an *ad hoc* basis immediately after their enactment. In the Acts passed during the period 1949-53, the imperative need was to enforce them immediately after the President's assent was received in order to preclude any possibility of circumvention of any provisions of the Acts by the tenure-holders. Whether those dates would create complications in the revenue accounts or any difficulty in the village administration were considered subsidiary to the paramount need of abolition of the tenures. Owing to the different enforcement dates, the liability of the land revenue payment commenced from different dates in the revenue year.

Although full assessment was statutorily leviable in all the Acts, exception was made in the case of the Salami lands in the Okhamandal taluka of the Amreli district owing to the liability of the tract to recurrent scarcity and poverty of the Waghers and Wadhels inhabiting it. Owing to these reasons, although full assessment became leviable with effect from 1-8-1954, Government ordered that 4 annas per acre should be recovered as land revenue for the first 5 years. This was a case of expediency.

The Bombay Taluqdari Tenure Abolition Act, 1949, made all the taluqdari lands liable to payment of full assessment except certain categories of lands called the Uddhad Jama and Jama-paying lands covered by the settlement guarantee. The Uddhad Jama lands within the talukdari villages were akin to personal inams and were made liable like the personal inams to payment of full assessment with effect from 1-8-1953 and not from 15-8-1950—the date on which the Talukdari lands became liable to full assessment. Besides, in the case of certain villages in the Halol, Dohad and Jhalod talukas in Panch Mahals, Viramgam taluka in the Ahmedabad district and the Prantij and Modasa talukas of the Sabar Kantha district, the settlement guarantee for payment of Jama has not yet expired and in many cases extends to the year 1961-62. As a result, these villages will continue subject to payment of Jama and not full survey assessment till the settlement guarantee expires.

Since the villages covered by the Acts related to the Bhagdari, Narwadari, Maleki, Panch Mahals Mehvasi and Watwa Vajifdari tenures were surveyed and settled, no difficulty was experienced in levying full assessment in them. But in the case of the tenures such as Paragana and Kulkarni watans, Saranjams and Political inams, Personal and Community service inams, some villages and lands were not surveyed and settled. In the case of such unassessed lands, in the absence of any provision in section 52 or the Rules framed thereunder, full assessment could not be levied on resumption. In order to overcome this difficulty, the Land Revenue Rule 19-O was framed and brought into force with effect from 28-4-1955 long time after the enforcement of those Acts. Even after the enforcement of the Rule 19-O, there was no provision for retrospective levy of assessment resumed long before.

The above Acts related to the pre-merger areas of the Bombay State. But there were several tenures in the merged territories and areas. The settlements which were made during the former regimes in these areas and which were in force on the dates of merger could not be considered to be settlements made under the provisions of the Land Revenue Code. Legally speaking, therefore, the rates of land revenue obtaining in the merged areas could not be the rates of land revenue fixed under the Land Revenue Code. In order to remove this snag in settlement, the L.R. Rule 19-N was framed and brought into force on 30-1-1954. Amongst the merged territories, the Baroda Mulgiras villages and lands in the Amreli district were not settled but were subject to the traverse rates fixed for working

out the local fund cess. These traverse rates could not be deemed land revenue rates within the meaning of the L.R. Code. So, the recovery in the traverse rates was stopped till the *ad hoc* assessments were fixed under the Land Revenue Rule 19-O.

In the case of the Ankadia and the Matadari villages, the land revenue or rent which was payable to the Ankadedars or the Matadars before resumption of those villages were ordered to be levied till the fixation of assessment under the L.R. Rule 19-O.

As regards the Jagir villages, section 7 of the Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953, clearly provided for the levy of assessment. Besides, the provisions of the L.R. Rule 19-N were applied by analogy to those villages in order to regulate assessments in the merged areas.

Lastly in the case of the miscellaneous alienations in the merged territories, no difficulty has been experienced in this respect as they came to be abolished with effect from 1-8-1955, i.e. after the enforcement of the L.R. Rule 19-O on 28-4-1955. Under L.R. Rule 19-N, the existing rates of assessments are continued. The unassessed lands and villages can now be assessed under the L.R. Rule 19-O.

In order to overcome the difficulty of levying full land revenue retrospectively, a proviso has been added by the Amending Act XXVIII of 1956 to section 52 of the L.R. Code. The Act empowers the Collector to levy full assessment retrospectively with effect from the date of abolition of the inam or watans.

In short, on resumption of inams and non-ryotwari tenures, the full survey assessment could not be levied by the Collectors because—

- (1) in the pre-merger areas, there were considerable areas which were unsurveyed and unsettled;
- (2) the prevailing rates of assessment in the merged areas were not deemed as land revenue rates fixed under the provisions of the L.R. Code; and
- (3) there was no provision empowering the Collector to fix with retrospective effect assessment on resumption on the lands which were wholly or partially exempt from payment of assessment.

These serious snags in the fixation of assessment are removed by the framing of the L.R. Rules 19-N and 19-O and the amendment of section 52 of the L.R. Code. The Collectors are now

fixing assessment on an *ad hoc* basis in respect of these villages and lands which will continue till the scientific survey and settlement is introduced according to the revised principles of settlement as embodied in the Bombay Land Revenue Code (Amendment) Act, 1956.

(b) *Saurashtra*:

Under the three Land Reforms laws enacted in Saurashtra, the liability for payment of land revenue is not uniform. In fact, uniformity is not aimed at presumably because of administrative and political expediency in framing the land reform laws.

Under the *Saurashtra Land Reforms Act, 1951*, although all the Girasdari lands are made liable to payment of land revenue to the State, the lands are not subjected to payment of full assessment immediately. For the purpose of levy of land revenue, the Girasdars are classed into A, B and C categories according to the area of the estate held by them. The A class Girasdars have to pay full assessment. The B class Girasdars have to pay—

- (a) 4 annas per acre for the first 3 years,
- (b) 8 annas per acre for the next 3 years,
- (c) half the assessment for the next 5 years, and
- (d) full assessment thereafter.

The C class Girasdars have to pay 4 annas per acre for 21 years and full assessment thereafter. But the tenants of the Girasdars who have acquired occupancy rights on payment of occupancy price equal to six times the assessment to the Girasdars are immediately liable to payment of full assessment.

This diversity in the liability is also found under the *Saurashtra Barkhali Abolition Act, 1951*. It has abolished the Barkhali tenure. All lands, which were Barkhali and which are allowed or allotted as Gharkhed are made liable to payment of land revenue according to the different rates of assessment. The Barkhalidars agitated for a graduated levy of assessment—a concession given to the Girasdars under the Land Reforms Act, 1951. As a result of this agitation, section 17 of the Barkhali Abolition Act was amended in 1954 in order to provide for graduated payment of land revenue by the Barkhalidars in respect of the Gharkhed lands and lands allotted for personal cultivation. Like the Girasdars, the land revenue liability is fixed on the Barkhalidars according to the three class as under:

<i>Category of Barkhalidar</i>	<i>Land revenue payable by him for his Gharkhed and lands allotted to him</i>
Barkhalidar whose estate had more than 800 acres or who owned one or more villages.	Full assessment.
Barkhalidar whose estate had more than 120 acres but less than 800 acres.	(a) 4 annas per acre for the first three years; (b) 8 annas per acre for the next three years; (c) half assessment for next six years; and (d) full assessment thereafter.
3. Barkhalidar whose estate was less than 120 acres.	4 annas per acre for eighteen years and full assessment thereafter.

On the analogy of the amendment to the Land Reforms Act, the Saurashtra Barkhali Abolition (Amendment) Act, 1954, was enacted to provide for the maintenance of a widow-jiwaidar of a Barkhalidar.

In order to enable Government to exercise revisional authority under the Act, section 40 was wholly substituted by a new section by an Amending Act of 1956.

(c) *Kutch*:

In Kutch, so far, no measures for abolition of the inam and/or non-ryotwari tenures have been adopted with the result that the exemptions in part or whole of land revenue enjoyed by various tenure-holders continue as hitherto.

To sum up, in the case of the Gujarat and Maharashtra land reforms, the liability for payment of assessment is uniform generally, except in one or two cases where the full assessment could not be recovered as a matter of administrative expediency or legal difficulties. The Saurashtra laws are characterized by a graduated levy of assessment, the full assessment being leviable at the end of 18 years. This diversity in the land revenue liability is clearly dictated by political expediency.

(3) *The Compensation Pattern*:

Now, we may review the pattern of compensation provisions of the Abolition Acts.

(a) *Gujarat and Maharashtra:*

The Abolition Acts provide for compensation for extinguishment of cash allowances and their rights in the villages and lands on various inams or special tenures. The pattern of compensation provision is peculiar in that moderate quantum of compensation is provided, having regard to the limited rights to land and land revenue extinguished or abridged. In the case of the resumption of the entire inam villages and lands, the person affected has to apply to the Collector or any officer delegated with his powers within a period varying from 6 to 12 months from the dates of the enforcement of the Acts. But in the case of resumption of cash allowances, Amals or watans consisting of village revenues either in whole or in part except in the case of miscellaneous alienations compensation applications are not required to be made; but compensation is to be awarded *suo motu* by the Collectors on the basis of the records of Government. In the cases where applications are required to be made, the Collector has to hold formal inquiries into the compensation claims in order to assess and award compensation. If any person is aggrieved by the Collector's award or decision, it is open to him to appeal to the Bombay Revenue Tribunal within a period of sixty days from the date of the Collector's award. Subject to the decision of the Bombay Revenue Tribunal, the Collector's award is final.

So much about the procedure. As regards the provisions for compensation, the Acts provide differently for the proprietary and non-proprietary tenures. For the extinguishment of the rights in the former, the pattern of the Bombay Taluqdari Tenure Abolition Act, 1949, has been taken as a model for other similar Acts. The provisions in the case of the latter are modelled on the provisions of the Ankadia Tenure Abolition Act, 1953. The broad pattern is set out in the table on p. 225.

Generally speaking, the rights to mines and minerals and forests are not affected by the Abolition Acts. Hence no compensation is provided in the Acts.

In the context of the similar laws in other States, compensation provisions may appear less liberal. But this is due to the limited rights extinguished under those laws. It should be noted that the Acts do not dispossess the tenure-holders, but abolish only their special rights to land and land revenues without affecting their rights to forests, mines and minerals.

(i) *Villages and Lands:*

Proprietary tenures	Non-proprietary tenures	Lifetime Jiwai Jagirs or grant of land revenue or paragana watans
(1) A sum equal to three multiples of assessment of lands held by permanent holders.	Compensation at three times the average amount of land revenue or income immediately or during five years prior to abolition.	A sum equal to ten times the average of the amount of land revenue due to or by the holder.
(2) A sum not exceeding three times the assessment in the case of waste and uncultivated lands.		
(3) A sum equal to one time the assessment in the case of the lands used by the public.		
(4) Market value of trees or structures on the lands so vested in Government		

(ii) *Cash Allowances (including Amals):*

Nature of allowance	Compensation payable
(1) Hereditary	7 times the annual amount of the allowance.
(2) Hereditary but subject to service and/or succession cuts	5 times the annual amount of the allowance.
(3) Life-time allowance	3 times the annual amount of the allowance.
(4) Assignment of land revenue	10 times the amount of land revenue.

Payment of Compensation:

The Bombay Acts provide for payment of compensation in transferable bonds carrying interest at 3% and repayable during a period of 20 years by equated annual instalments of principal and interest. But as the bonds could not be issued immediately on resumption of the watans and inams, Government sanctioned

a scheme for interim payment of compensation in cash till the bonds were issued by Government. As the bonds are to be issued now, this interim arrangement for payment of compensation in cash has been stopped by Government.

(b) *Saurashtra*:

In the Saurashtra land reform laws, the pattern of compensation is very peculiar. It is related to the graduated land revenue liability of the land-holders and their tenant-occupants. All the Girasdars are entitled to receive occupancy price equal to six multiples of assessment from their tenants for the lands in respect of which they are made occupants. Besides, all the Girasdars are to get from such tenants an amount equal to the assessment of the lands held by them for 15 years. But in the case of the B and C Girasdars, the Act provides for rehabilitation grants payable in the shape of assessment respectively for 3 and 6 years more. Thus, the A class Girasdars are to get compensation in the shape of assessment payable by their tenants for 15 years, the B class for 18 years and the C class for 21 years. The compensation payable to the Girasdars is met from the land revenue received from the tenant-occupants. Such cultivators are to be given the benefits of suspension and remission of land revenue in the event of natural calamities like fire, flood, frost, etc.; but it is obligatory on Government to pay to the Girasdars the suspended or remitted amounts of land revenue. In this manner, the compensation provisions are heavily weighted in favour of Girasdars and against Government, because Government is not likely to get any land revenue from the tenant-occupants and only the amount of graduated land revenue from the B and C class Girasdars for 12 and 21 years, respectively.

In the case of the Barkhali Abolition Act, 1951, the pattern of the compensation provisions is also peculiar. The Barkhali-dars are to be paid cash annuity by the State for a period of respectively 15 and 18 years, if they held one or more villages or less than one village. Government has to pay this amount of compensation every year from the amount of assessment received by the State from the lands in possession of their tenants who have become occupants now. There are, however, three exceptions to this general pattern. In the case of a widow or a Hathgarana grantee, the compensation is payable for the lifetime of the holder. In the case of a minor, the stipulated period may be 15 or 18 years or 21 years whichever may be later. Lastly, if the existing holder is a religious or

charitable institution, the payment of compensation is to be continued in perpetuity.

The pattern of compensation for extinguishment of the lands and properties vested in Government under the Saurashtra Estates Acquisition Act, 1952, follow the pattern of the provisions of the Bombay Taluqdari Tenure Abolition Act, 1949. But it is more liberal than that in the Bombay Act. For acquisition of cultivable waste, compensation payable is equal to the income which the State will derive in the next 15 years from such lands by way of occupancy price and assessment. As a result, all the income derived from such lands for 15 years to come will go to the Girasdars and Barkhalidars and the State will not derive any income even by way of land revenue for 15 years. In the remaining cases, however, small amounts of compensation are payable outright. The provisions are tabulated below:

<i>Property acquired</i>	<i>Quantum of compensation provided</i>
(1) Bid land	Eight times the average net income of the land.
(2) Uncultivable waste or village site land	Twice the amount of annual assessment leviable.
(3) School, dharamshala, Chora, public temple, or other public buildings or structures	Twice the amount of annual assessment.
(4) Land over which public has acquired or enjoyed a right of way or easement	One assessment fixed on the land.
(5) Trees	Market value.
(6) Reclamation land or other structure on the land	Cost of construction making deduction for depreciation.

The market value is to be computed according to the provisions of sections 23 and 24 of the Land Acquisition Act, 1894.

In the background of the compensation provisions stated above, it will be interesting to know the broad features which distinguish the Gujarat and Maharashtra Abolition Acts from those of the Saurashtra Acts in this respect. The former provide compensation which can be said to be just and reasonable in the context of the rights to land and land revenue extinguished; whereas the latter err on the side of liberality on account of the

overriding considerations of policy. Secondly, in the former Acts, compensation is payable in transferable bonds only, whereas in the latter, it is payable in cash only. Lastly, in the case of the former, the burden of paying compensation is borne by Government after collecting full assessment; whereas in the latter, it is mainly borne by the tenants who have been made occupants and the landlords are allowed to have the benefits of the graduated levy of assessment.

The Financial Implications of the Land Reforms:

Now that we have reviewed the pattern of the compensation provisions, it is necessary to assess the financial implications of the reforms. As the pattern of compensation varies in Gujarat, Maharashtra and Saurashtra regions, the liability on that account also varies.

(a) Gujarat and Maharashtra:

Broadly speaking, the Bombay Abolition Acts have subjected the former alienated lands and villages to payment of full assessment and resumed all cash allowances. In order to levy full assessment, Government had to incur additional expenditure on account of survey and settlement and introduction of the modicum of village administration with additional staff.

For the whole Bombay State, the aggregate amount of compensation payable to the tenure-holders was estimated in the neighbourhood of Rs. 4 crores, as against the aggregate annual increase in land revenue of Rs. 1.1 crores. The exact break-up of these figures for the Gujarat-Maharashtra region is not available. But the provisional available figures for Gujarat and Maharashtra have been worked out. (Appendices H & I.) The break-up of *the Gujarat* figures shows that there has been a clear annual gain of Rs. 2,54,890 on account of the resumption of cash allowances. Further, there would be annual increase of land revenue of the order of Rs. 3,91,78,712 which would be recurring receipts to Government. Against this amount, Government will have to incur recurring expenditure on account of additional staff appointed in the wake of the abolition of the tenures. Since no large staff is required to be appointed on this score, the recurring expenditure cannot be considerable. There would be small non-recurring receipts of Rs. 1,503 for re-grant of watan lands in Ahmedabad. There would be non-recurring expenditure of Rs. 2,88,51,644 on account of payment of compensation. The introduction of survey and settlement in areas from which the tenures have been abolished will also entail

considerable expenditure on Government. The annual increase in land revenue of Rs. 392 lakhs would cancel out the aforesaid non-recurring expenditure of Rs. 288 lakhs within a space of 2 years. But as the payment of compensation is only in transferable bonds spread over a period of 20 years, there would be no difficulty in meeting the cost of compensation.

The information about the financial implications of the land reforms in *Maharashtra* is given in Appendix I. Although it is incomplete, a rough idea can be had about the financial obligations of Government. The cash allowances aggregating to about Rs. 4 lakhs have been resumed. The aggregate amount of compensation is estimated at Rs. 35 lakhs. The recurring receipts of Rs. 23,22,400 will cancel out the non-recurring expenditure of Rs. 41 lakhs (approximately) within two years. The recurring expenditure of Rs. 1½ lakhs on account of abolition of inams and tenures is not considerable. The financial liability for payment of compensation is spread over 20 years and is payable in transferable bonds and not cash.

(b) *Saurashtra*:

As regards the financial implications of the *Saurashtra Land Reforms Act, 1951*, it is estimated that from 55,000 Girasdari tenants holding 12,00,000 acres of lands, the Girasdars would receive occupancy price of six multiples of assessment of the order of Rs. 2,52,00,000. The payment of the huge amount is facilitated by advances from the State Land Mortgage Bank.

As regards recurring receipts (land revenue), the total land revenue received by Government was Rs. 9,37,500 per annum. From the Gharkhed lands alone, Government will get assessment amounting to Rs. 3,26,25,000 thus yielding a net gain of Rs. 1,29,37,500.

As regards compensation, the Girasdars will get compensation from 12,75,000 acres for 15, 18 and 21 years according as the Girasdars belong to A, B or C class. It is estimated that a sum of Rs. 9,37,12,500 will be recovered from the cultivating tenants-occupants. After deducting amounts on account of suspension and remission of land revenue, the amount may be estimated at Rs. 8,37,12,500. The aggregate amount of compensation payable to A, B and C class Girasdars during 21 years is estimated at Rs. 7,98,00,000. Thus, a net gain of Rs. 39,12,500 during 21 years is anticipated by Government.

The financial implications of the *Saurashtra Barkhali Abolition Act, 1951*, are that for payment of compensation, there is

no direct financial burden on the State because the amount of assessment received from the tenants of the Barkhalidars is payable as cash annuity to the Barkhalidars. As stated before, Government received annually revenue of the order of Rs. 2,78,125 from the Barkhalidars. On this basis, the estimated revenue for 21 years would be to the tune of Rs. 58,40,625. Now after abolition of the tenure, the aggregate amount of land revenue payable by the Barkhalidars during 21 years is estimated at Rs. 1,29,00,000. It is also estimated that the aggregate amount of assessment payable to religious institutions will be of the order of Rs. 32,25,000. Deducting this amount from the total receipts, the net financial gain to Government will be to the tune of Rs. 38,34,375.

As regards the expenditure, the main item is of compensation payable by the tenants of the Barkhalidars. The aggregate area of lands held by such tenants in respect of which they have become occupants and in respect of which the Barkhalidars are to be paid cash annuity has been 3,50,000 acres. Government will realise as total assessment Rs. 2,44,38,751 during 21 years. The total cash annuity payable to the Barkhalidars for 15 or 18 years works out to Rs. 2,16,82,500. Thus, a net financial gain amounting to Rs. 27,56,250 is expected during the 21 years' period. Despite this fact, it is obvious that Government will not get full land revenue for 18 years from the non-Gharkhed lands, held by the Barkhalidars and any revenue from tenants-occupants for 18 years to come. In this under-developed region, the loss of such a stable revenue is too great, having regard to the large expenditure to be incurred for the development works.¹

(5) *The special features of the Abolition Acts:*

After reviewing the land tenures and the Abolition Acts, it is necessary to point out the distinguishing features thereof.

(a) *Gujarat and Maharashtra:*

The Land Reforms Laws have a pattern of their own with the following distinguishing features:

- (a) In resumption of inams, watans and the non-ryotwari tenures, Government has taken back what it had originally granted. For example, if the original grant was of land

¹ The financial implications of the Saurashtra Land Reforms are embodied in Appendix J.

and land revenue both, the Acts provide for resumption of both. If the original grant was of land revenue or exemption from payment of land revenue, such land revenue or exemption is resumed under the Acts. In this process of resumption, the tenure-holder is not dispossessed of the lands which were in his actual possession or under Gharkhed even though he was not originally entitled to such lands (*vide* the Matadars, Ankadedars, Mehwasdars, etc.).

- (b) Where the watan or inam lands are resumed as in the case of the paragana and kulkarni and Baroda watan lands, provision is made for re-grant of those resumed lands on payment of a nominal occupancy price of 6 or 12 times the assessment of the lands according as the lands were not or were assigned for remuneration of service. The occupancy of such lands is not partible and transferable without payment of Nazarana equal to 20 times the assessment.
- (c) Occupancy rights are conferred or recognised without charging any occupancy price on (i) the tenure-holders in respect of the lands in their actual possession or personal cultivation or lands held lawfully through or from him by others; and (ii) the inferior holders paying assessment to the Inamdars before such resumption. The occupancy rights are heritable and partible.
- (d) Broadly speaking, the landlord-tenant relations are not affected by the Acts because they were first settled under the Bombay Tenancy and Agricultural Lands Act, 1948, before the passing of the Abolition Acts. In the case of the tenants in the Ankadia villages, the occupancy rights are conferred without charging any occupancy price. Further, in the case of tenants in the non-proprietary Jagir villages, such right is conferred on payment to Government of occupancy price equal to six times the assessment.
- (e) The resumption involves vesting in Government of certain lands and properties which were of the nature of public properties such as public lanes, paths, roads, rivers, tanks, etc., waste and uncultivated lands, unbuilt village-site lands. The rights in such properties of persons other than the tenure-holders are saved.
- (f) The rights of the tenure-holders to trees and forests and the subsisting rights to mines and minerals are not

affected, because the abolition of these rights would have entailed payment of substantial compensation by Government without much corresponding advantage. However, the necessary control over the use of their rights over trees and forests by the holders would be exercised by Government under the provisions of the Act of 1948 amending the Indian Forest Act, 1927.

- (g) The pattern of compensation provisions is uniform but peculiar. Compensation is payable without inquiries in the case of cash allowances. The hereditary cash allowances are compensated at a rate higher than those which were subject to cuts and continuable for the lifetime.
- (h) Like the Zamindari Acts of other States, the Acts do not aim at acquisition of all rights and interests in the lands and villages but only aim at the limited objective of abolishing the special rights to land and land revenue of the intermediaries between Government and the tiller of the soil. Consequently, the aggregate amount of compensation payable for Gujarat and Maharashtra has been comparatively small. As a result, no difficulty is felt in financing the land reforms in Gujarat and Maharashtra.

(b) *Saurashtra*:

Certain claims are advanced regarding the special features of the Saurashtra land reforms *vis-a-vis* similar reforms of other States in India. They are summarised below:

- (a) Since the pattern of the land reforms was evolved after discussions with the Girasdars, Barkhalidars and their tenants, no difficulty was felt in implementing the laws. The change-over has been smooth and their implementation is completed within 2 years as against the estimated 4 years.
- (b) The financial liability for payment of compensation rests on the tenants-occupants and the State has not to bear the burden of compensation.
- (c) While abolishing the intermediaries, the laws have also abolished the tenancy system from 1/3rd of the aggregate area of the State.
- (d) In the process of allotment of lands to the ex-tenure holders, the laws have introduced the concept of ceilings on holdings by permitting them to hold maximum area of three economic holdings. (An economic holding varies

from 20 to 40 acres but on an average, its area may be taken at 32 acres.)

These claims are broadly speaking true. However, the fact that the change-over from the Girasdari and Barkhali systems to the ryotwari system was not smooth but was pregnant with explosive possibilities is too well known to need repetition. Secondly, as regards the financial implications, it will suffice to say here that what the State Government would receive as land revenue from the ex-tenants for the next 18 to 21 years will go to the ex-Girasdars and Barkhalidars as compensation. Thus, the State bears the financial liability of the reforms by undergoing the loss of land revenue due to it.

In conclusion, it may be stated that the financial feasibility of the land reforms is quite evident and that no difficulty is experienced in financing the land reform programme.

(6) *The implementation of the Abolition Acts:*

It is not enough that the land reform laws are enacted. It is absolutely necessary that they should be enforced immediately without any time-lag. If this is not done, the period between the enactment and enforcement would be utilised by tenure-holders to circumvent certain provisions of the Acts. It was because of this factor that the various Abolition Acts have been enforced on different dates as soon as it became possible to enforce them.

Gujarat and Maharashtra: The implementation of the laws has two main aspects, viz.:

- (1) administrative arrangements, and
- (2) inquiries relating to compensation and the payment thereof.

As regards the former, it is necessary to establish village administration, where it did not exist or imperfectly existed before resumption. In such areas, Government had to appoint additional staff consisting of clerks, talatis, patels and inferior village servants and to fix their remuneration. Further, as stated before, many inam villages and scattered lands were either surveyed but not settled or unsurveyed and unsettled. Such villages and lands had to be surveyed and settled before all the village forms of accounts as prescribed by the Revenue Accounts Manual could be introduced. It should be noted that system of village revenue accounts

had either to be rationalized or built up on the basis of the scanty and imperfect records maintained and delivered to Government by the tenurial holders. Government has in this respect succeeded admirably and established in the first instance the modicum of village accounts and administration. The resumption of the various inams and non-ryotwari tenures did not create any hiatus with the past administration; but the administration was reorganised to fit into the new ryotwari set-up. It is true that in the initial stages the village administrative machinery was a little slowed down. By and large, the switch-over has been smooth and systematic.

As regards the aspect of compensation, all the Acts except the Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955, provide for grant of compensation without formal inquiries in the case of the cash allowances. But in respect of claims relating to extinguishment or abridgement of other rights to lands, properties, etc., the Collector or any other officer who might be delegated with those powers has to hold formal inquiries to assess and award compensation. After the awards are declared, the compensation so awarded is to be paid to the tenure-holders. At present, the Prant Officers to whom the Collectors' powers have been delegated are holding these inquiries. At the State level, Government issued instructions to the Collectors for tackling different problems arising out of the implementation of the Acts. Besides, in order to push forward the work of implementation, Government has appointed one Land Reforms Implementation Officer for the whole Bombay State, who is directed to visit the districts, examine the village and other records and solve the practical difficulties on the spot. At the district levels, special officers for compensation inquiries have been appointed only in the case of the Bombay Taluqdari Tenure Abolition Act, 1949, and the Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953. Aval Karkuns for computing compensation in respect of the cash allowances payable in cash as an interim arrangement were appointed for a few months only. But no special staff on a permanent basis for implementing the laws was appointed at the district level. This naturally added to the work-load of the already overworked district staff. The result has been that the tempo of implementation has been slow.

In the context of this background, it is necessary to consider the implementation of these Acts. For this purpose, the Acts may be divided into three categories as under:

- (1) the Acts in which the implementation is practically completed;
- (2) the Acts in which the implementation is nearing completion; and
- (3) the Acts in which the implementation is in the initial stages.

In the first category fall the following Abolition Acts:

- (1) The Bombay Bhagdari and Narwadari Tenures Abolition Act, 1949 (5-8-1949).
- (2) The Panch Mahals Mehwassi Tenure Abolition Act, 1949 (15-3-1950).
- (3) The Bombay Maleki Tenure Abolition Act, 1949 (1-3-1950).
- (4) The Bombay Watwa Vajifdari Rights Abolition Act, 1950 (1-10-1951).
- (5) The Bombay Paragana and Kulkarni Watans Abolition Act, 1950 (1-5-1951).
- (6) The Bombay (Okhamandal Salami Tenure) Abolition Act, 1953 (1-8-1954).
- (7) The Bombay Saranjams, Jahagirs and other Inams of Political Nature, Resumption Rules, 1952 (1-11-1952).

The validity of the Acts at S. Nos. (3) and (5) was challenged by the tenure-holders by filing applications in the High Court; but they were all rejected.

In the case of the above Acts, the implementation regarding alternative administrative arrangements and the assessment and award of compensation is over. Now, the payment of compensation in transferable bonds except in the Act at S. No. (2) which has been paid in cash, remains. No compensation had to be paid in the case of the Acts at S. Nos. (1) and (6). Small amounts of compensation had to be paid under the remaining Acts. By way of alternative arrangements, a few Talatis had to be appointed in the case of the Act at S. No. (2) only.

The following Acts fall in the second category:

- (1) The Bombay Taluqdari Tenure Abolition Act, 1949 (15-8-1950).
- (2) The Bombay Personal Inams Abolition Act, 1952 (1-8-1953).
- (3) The Bombay Merged Territories (Baroda Watans) Abolition Act, 1953 (15-8-1953).

- (4) The Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953 (15-8-1953).
- (5) The Bombay Merged Territories (Matadari Tenure Abolition) Act, 1953 (1-1-1954).
- (6) The Bombay Merged Territories (Baroda Mulgiras Tenure Abolition) Act, 1953 (15-8-1953).
- (7) (a) The Bombay Village Service Inams (useful to Community) Abolition Act, 1953 (1-4-1954); and
 (b) The Bombay Village Service Inams (Useful to Community) (Gujarat and Konkan) Resumption Rules, 1954 (1-12-1954).

The tenure-holders filed suits challenging the validity of the Acts at S. Nos. (1), (2), (3), (4) and (6) but without success.

In the wake of abolition of the above inams and non-ryotwari tenures, an additional staff consisting of Circle Inspectors, Talatis, Patels and inferior village servants had to be appointed by Government. Two Deputy Collectors have been appointed for compensation inquiries particularly for implementation of the Act at S. No. (1) which is nearing completion. For the remaining Acts, the all-out implementation work has fallen on the existing revenue staff. The compensation inquiries have been nearly completed and only the payment of the compensation awarded remains to be made in transferable bonds now.

In the third category fall the following three Acts:

- (1) The Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953 (1-8-1954),
- (2) The Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955 (1-8-1955), and
- (3) The Bhil Naik Inams Abolition Act, 1955 (1-8-1955).

As stated before, the Jagirs Abolition Act created great consternation and uproar amongst the Jagirdars who delayed implementation of the Act by unsuccessfully challenging the validity of the Act upto the Supreme Court. Following the example of the Supreme Court's decision ² in the Moti-Mori

² In the Supreme Court, the Jagirdars filed petitions contending that their estates were not covered by the definition of the Jagirs given in the Jagirs Abolition Act, 1953; that the compensation provisions were illusory, etc. The Supreme Court rejected their contentions; but in the case of the Moti-Mori Jagir, their Lordships agreed that as the status of that Jagir was not decided, the Jagirdar was permitted to file a civil suit for determination of the same. This has led to a fresh crop of litigation in the matter of the Jagirs Abolition Act.

estate in the Sabar Kantha district, the Jagirdars in other districts filed civil suits claiming that their estates were not Jagirs within the meaning of the Jagirs Abolition Act. The Civil Courts have granted stay orders. Such tactics on the part of the Jagirdars have delayed the implementation of the Act in the districts of Sabar Kantha, Mehsana, Baroda and Broach. Government, however, has taken necessary steps to get the stay orders vacated and to defend the suits. For some time the reforms got bogged down in legalism but those hurdles were not difficult to overcome.

By way of administrative arrangements, Government had to appoint additional staff of Circle Inspectors, clerks, Talatis, Patels and inferior village servants for running the village administration. Further, survey and settlement on an *ad hoc* basis on the analogy of the provisions of the L.R. Rule 19-N and 19-O had to be introduced to safeguard recovery of land revenue from those areas. As stated above, four Special Jagirs Abolition Officers have been appointed in the districts of Banas Kantha, Sabar Kantha, Panch Mahals and Baroda for implementing this Act.

The Miscellaneous Aliens Abolition Act, 1955, is in the initial stages of implementation. The implementation work is hampered in the matter of classification of alienations for want of authentic records in those areas and trained personnel for running the administration on the lines of the Bombay system. These initial difficulties over, the compensation inquiries in the matter of scattered lands are not likely to take long. But in view of the amendment of section 15 of 1956, compensation inquiries will have to be made in respect of cash allowances formerly payable to widows, minors, old disabled persons, etc. This aspect of implementation is likely to throw considerable work on the existing revenue staff except in the four districts where the Jagirs Abolition Officers have been appointed by Government. Two years are still necessary for completing the implementation of these two Acts.

The implementation work relating to resumption of the Bhil Naik Inams is going on. The main work is about the compensation inquiries which are being held by the Prant Officers. The assessment is being fixed in 5 unsurveyed and unsettled villages. The village records are being corrected.

On the whole, except in the case of the Jagirs, the work of implementation of the Acts can be said to have been smooth and the switch-over to new tenure conditions has been without

serious break with the past administration. As a result of the abolition of the intermediaries, the new tenure that is emerging is ryotwari, with the occupancy rights either recognised or conferred by the Acts on the existing holders of lands whether superior or inferior.

The *effects of implementation* of the Abolition Acts on the alienated villages and revenue, pre- and post-integration and post-abolition are shown in Appendices K and L. It will appear therefrom that when there were five districts of *Gujarat*, the number of alienated villages was 249 in 1947-48, was raised with the addition of five districts to 3,750 after integration in 1951-52 and after resumption of inams and non-ryotwari tenures was reduced to 1,084 by 1954-55. Out of these remaining villages (1,084), many were personal inams and alienated villages of the merged territories, which came to be resumed with effect from 1-8-1955. So, they would be accounted for in the revenue year 1955-56. Thereafter, only the devasthan and dharmada villages held for religious institutions will survive. And their number will be considerably small.

The percentage of the alienated revenue to the gross revenue which was 18.89% in 1947-48 was reduced to 17.57% in 1951-52 and 12.13% in 1954-55. Similarly, the percentage of the alienated area to the gross area, which was 18.64% with five districts in 1947-48 was reduced even with the addition of additional five districts to 15.54% in 1951-52 and to 10.29% in 1954-55.

As regards the position in *Maharashtra*, the details are given in Appendix L. It will appear therefrom that in 1947-48, the number of alienated villages was 1,258 which was raised to 1,836 in 1951-52 after integration of the Princely States and was reduced to 1,384 in 1954-55 after resumption of inams and non-ryotwari tenures. Of those remaining villages, many were personal inams and alienated villages of the merged territories which came to be resumed with effect from the 1st August 1955. They will, therefore, be accounted for in the revenue year 1955-56.

The percentage of alienated area has been reduced from 12.44 per cent in 1947-48 to 9.2 per cent in 1954-55. But this percentage will be reduced to 5 per cent or so by 1957. The percentage of the alienated revenue to the gross revenue which was 13.64 per cent in 1947-48 was raised to 14.60 per cent in 1951-52 owing to the integration of the States, but was reduced to 10.66 per cent in 1954-55. But the full impact of the abolition of the aliena-

tions will be felt by 1957 when the process of resumption will be completed.

Thus, the alienated revenue and lands are considerably reduced. The overall picture about the alienated revenue and lands will become quite clear by the end of 1957, when the unsurveyed areas would be settled on the *ad hoc* basis and the data about the resumed lands would be available. Thereafter, the alienated lands and villages that would survive our Abolition Acts would consist of—

- (a) the devasthan and dharmadaya inams held for religious or charitable institutions (inam class III),
- (b) village service inams useful to Government [inam class VI (b)], and
- (c) revenue-free grants of lands to schools, colleges, hospitals, etc. (inam class VII).

As a matter of policy, the inams at (a) above are continued for a public purpose. Those at (b) would be resumed when it is feasible for Government to remunerate in cash the village servants useful to Government. The last category (c) of inams are revenue-free and other concessional grants of land and/or revenue to the institutions of a public nature. They would continue as hitherto.

Saurashtra:

The Land Reforms Act, 1951, and the Barkhali Abolition Act, 1951, came into force with effect from the 1st September 1951 and the Estates Acquisition Act, 1952, in February 1952. Broadly speaking, the implementation of the land reforms had two aspects, viz. (1) determination of the Gharkhed lands and allotment of lands for personal cultivation, and (2) payment of compensation to the dispossessed tenure-holders.

In view of the feudal background of the State and the agitation carried on by the Girasdars and the Barkhalidars, the new State of Saurashtra appointed a special machinery for quick implementation of the three Land Reforms Acts. The Chief Secretary as Settlement Commissioner was assisted by the Assistant Settlement Commissioner and the Deputy Collector (Gharkhed) in each district to supervise the work of 25 special Mamlatdars appointed in 25 different groups for implementation of the Acts. Local Committees consisting of representatives of Girasdars and cultivators were associated with the Mamlatdars to assist and co-operate in their work. The number of groups

was reduced from time to time and the work in some of the groups was transferred to the Mamlatdars concerned.

The Special Mamlatdars were entrusted with the work of disposal of applications from Girasdars and Barkhalidars for allotment of land for personal cultivation, issue of occupancy certificates to the landholders in respect of Gharkhed lands and to the tenants of Girasdars and Barkhalidars, determination of compensation to the Girasdars and of cash annuity to the Barkhalidars, preparation of village records, etc.

In allotment of lands for personal cultivation to the tenure-holders, the average *per capita* allotment is 25 acres, the proportion of Jirayat and Bagayat lands allotted being 100 to 8.

The work of issuing occupancy certificates to the Girasdars proceeded simultaneously. Their average holding works out to 27 acres. Their tenants have been granted occupancy rights over the Jirayat and Bagayat lands.

The Girasdars numbering 22,338 have become occupants in respect of 5,64,923 acres. Out of 67,004 tenants of Girasdars, 58,000 have become occupants in respect of 12,74,189 acres. By the end of September 1955, there were 750 Girasdari tenants who had not acquired occupancy rights. In order to enable such tenants to become occupants, the Land Reforms Act has been amended providing for payment of occupancy price of six times the assessment by the Settlement Commissioner on behalf of the tenants till the amount is repaid by them. This measure is adopted to completely abolish the Girasdari and Barkhali systems in Saurashtra. On these lines, the Barkhalidars and their tenants have also been given occupancy rights and certificates under the Barkhali Abolition Act. Thus, the Barkhalidars and their tenants have been given occupancy rights in respect of 1,95,364 acres and 4,75,033 acres, respectively.

The implementation of the Estates Acquisition Act, 1952, has been rather slow. The vesting of non-agricultural properties and assets under the Act has not been as quick as desired by Government. Government has, therefore, expedited the Mamlatdars to increase the tempo of implementation as far as possible.

As regards payment of compensation, the problem has already been dealt with in the Chapter "Land Tenures". There is, therefore, no need to dilate on the question here. The broad fact of the matter is that compensation is recoverable from the

tenants in the form of assessment and payable to Girasdars and Barkhalidars annually and in cash for a period varying from 15 to 21 years. The rehabilitation grants are payable in continuation of these amounts of compensation. As a result, no extra burden or difficulty is felt in payment of compensation.

In order to enable the tenants to pay the occupancy price, the State Land Mortgage Bank advanced Rs. 1,54,67,602 to 26,970 tenants upto 31-3-1954.³ The latest information in this respect is not available.

The Girasdars and Barkhalidars agitated against certain provisions of the Acts and asked for more concessions in Gharkhed particularly. They even challenged the validity of certain provisions of the Acts. All these difficulties have been overcome and the work of implementation which commenced in 1951 is practically nearing completion.

³ The Saurashtra Administration Report for the period 1-4-1953 to 31-3-1954, Appendix 14, p. xvii.

CHAPTER 13

THE KONKAN TENURES

The Konkan comprising Bombay Suburban district, Thana, Kolaba, Ratnagiri and the western border of the Kolhapur district has geographical and other affinities. The peculiar physical configuration and the problems of agriculture and administration created special land tenures in this area. As they differed from the land tenures of Gujarat and Maharashtra, it is proposed to dwell upon them in a separate chapter. The tenures arose out of the need of reclamation of the waste and uncultivated lands populating the villages by bringing settlers from outside and collecting land revenue on behalf of Government. In these agro-economic circumstances, we find the genesis of the special Konkan tenures stated below :

- (1) the Khoti in the Ratnagiri and Kolaba districts,
- (2) the Salsette estates commonly known as Salsette Khoti in the Bombay Suburban district and Thana district (the former Salsette island),
- (3) the Kauli and Katuban tenures in the ex-States of Janjira and Sawantwadi and Kolhapur merged in the Kolaba, Ratnagiri and Kolhapur districts, and
- (4) the Khoti in the ex-Janjira and Bhore States merged in the Kolaba district,
- (5) the Shiltri tenure in the Kolaba district.

The quintessence of these tenures was that they were leases either by the British Government or their predecessors for bringing waste lands under cultivation and promoting growth of population in villages with the sole object of securing revenue to Government.

(1) *The Ratnagiri and Kolaba Khoti:*

The Khoti tenure originated in the Konkan owing to the rugged nature of the tract and the difficulty of collecting land revenue. Owing to these factors, a powerful and influential middleman who could settle himself in the village, organize cultivation of lands, command confidence of the ryots and be responsible to Government for revenue was badly needed. This situation created a middleman called the Khot. The tenure originated in the time of Yusuf Adil Shah of Bijapur (1489-

1510). Subsequently, some Khots were created by Moghuls, Marathas and Peshwas. In Ratnagiri, the Khots were given sanads in respect of the villages given to them for revenue management. The Khots were treated as hereditary farmers of revenue with certain defined rights over their subordinate ryots.

The Khoti tenure in Ratnagiri district was governed by the provisions of the Khoti Settlement Act, 1880, whereas that in Kolaba was regulated by sections 37 and 38 of the Khots' Leases Act, 1865, the customs and terms of the Kabulayats executed by the Khots.

In order to settle the rights and responsibilities of the Khots in the Ratnagiri district, the Khoti Commission was appointed in 1874. On the basis of its recommendations, the Khoti Settlement Act, 1880, was enacted. It was applied to the Ratnagiri district only and was not extended to the Kolaba district. The Act merely defined the existing rights and did not confer any new rights which were not then in existence. In Kolaba, the Khoti was regulated by customary law. This position was affirmed by the Bombay High Court in *Ganpali Gopal Risbud vs. Secretary of State* (I.L.R. 48 Bom. 599).

There were 952 Khoti villages in Ratnagiri and 464 villages in Kolaba, covering an area of 18,29,306 acres assessed at Rs. 8,45,955 and paying annual Jama of Rs. 9,47,327. The Khots enjoyed the khoti faida amounting to Rs. 12,73,143 per annum. Among those villages, some villages were personal inam and paragana watan Khoti villages in the Ratnagiri district.

In *Ratnagiri*, a Khot held the village on payment to Government of Jama—the aggregate assessment of the village. His rights to the Khoti lands were heritable and transferable. He had also reversionary right in respect of the khoti nisbat lands forfeited, or lapsed for failure of heirs and resigned by permanent tenants. Besides, he was entitled to 'khoti faida' from the permanent tenants and quasi-dharekaris. And he had full rights in the khoti khasgi lands.

In *Kolaba*, the Khots had to execute annual Kabulayats which defined their rights and responsibilities. Accordingly, they had to pay assessment and local fund cess to Government and recover the following dues from their cultivators:

- (1) survey assessment from the dhara lands,
- (2) customary khoti faida in kind or in cash with bundles of straw from the tenants holding khoti nisbat lands at different rates.

There was a distinction in the ownership of the *khoti khasgi* and *khoti nisbat* lands in Ratnagiri and Kolaba districts. The *khoti khasgi* land was the private property of the Khots in both the districts, but in Ratnagiri, the *khoti nisbat* land was the joint property of the Khot, whereas in Kolaba it vested in Government.

As regards forest rights, the Ratnagiri Khot was entitled to one-third of the net profits derived by Government from such forests, after deducting the cost of management. The Kolaba Khot was entitled to one-third of the net proceeds after deducting expenses of all fellings made by Government, reduced by 20 per cent of the amount of such share, as provided in the *Kabulayat*.

The evils of the system were felt long ago. They were inherent in the management of the villages themselves. In order to remove the intermediary Khots from the village administration the Bombay Khoti Abolition Act, 1949, was enacted and enforced with effect from the 15th May 1950. The Act has abolished the Khoti tenure with all its incidents. As stated above, there were some personal inam and *paragana watan khoti* villages in the Ratnagiri district. The personal inam and the *paragana watans* were abolished under the Bombay Personal Inams Abolition Act, 1952, and the Bombay *Paragana and Kul-karni Watans* Abolition Act, 1950, respectively, and the *khoti* element was abolished under this Act. It repealed the Khots' Leases Act, 1865, section 114 of the Land Revenue Code and the entire Khoti Settlement Act, 1880.

In the case of the *khoti khasgi* lands, the Khot was recognised as an occupant, the *dharekari* or quasi-*dharekari* in the case of the *dhara* land, permanent tenants in the case of the lands held by them and, in the case of the *khoti nisbat* land, any tenant in possession of such lands and if there was no tenant, then the Khot. But a tenant other than a permanent tenant holding *khoti nisbat* land had to pay occupancy price equal to six times the assessment for acquisition of the occupancy rights to the Khot in Ratnagiri and to Government in Kolaba on account of the distinction pointed out above.

For abolition of the '*khoti faida*', a quasi-*dharekari*, a permanent tenant or a tenant of *khoti nisbat* land had to pay to the Khot the commuted value of the Khots' dues at a rate not exceeding three times the value of such dues if payable in cash or three times the value of such dues if payable in kind subject to a maximum of a sum equal to six times the survey assessment

of the land. The occupancy price and commuted value of the Khots' dues were recoverable as arrears of land revenue.

Like other Acts, the uncultivated and waste lands and all property of the nature specified in section 37 of the Land Revenue Code vested in Government.

The Khots' right of reversion is extinguished. The right to trees specially reserved under the Indian Forest Act, 1927, or any other law except those the ownership of which has been transferred by Government, has been vested in Government.

(2) *The Salsette Khoti:*

The Khoti tenure existed in 51 villages of the island of Salsette called the Salsette Estates. Salsette was acquired by the British as early as 1772-73. Since the island was "much depopulated and scantily cultivated", the British Government granted in the first half of the last century several villages which were held in fee simple with right of absolute ownership or on leases perpetual or periodical. The leases stipulated that the lessees should attract population and introduce cultivation of superior kinds of produce. The villages were thus held on a privileged tenure. The motives behind various leases, however, differed according to the exigencies of administration. The leases in the case of estates of Pawai, Goregaon, Deonar, Bhandup, Hariali, Chinchavli, Maravli, Mahul, Borivade, Kanjur and Vikroli were for revenue farming. Valvai, Wadhwan, Vile-Parle and Juhu were hereditary inams. Ghodbandar, Bhayandar and Mira were leased out for maintenance of embankments. Lastly, the motive behind the leases of Kurla and Malad estates was exchange of lands.

The essential characteristics and conditions of the leases were as follows. To begin with, the most important right enjoyed by the Khots was exemption from payment of partial or total payment of land revenue. The rates of assessment were not to be raised during the continuance of the leases. The lessees had to pay remuneration to village patels and Madhvis and continue the religious and charitable grants. Most of the villages were granted to the Pārsis who ventured to develop the villages in the unsettled conditions. In some villages like Pawai, Malad, Kurla, Goregaon, etc., forest rights were conceded to the lessees. The over-riding conditions were populating the villages and bringing waste lands under cultivation.

These objectives were not achieved, as many villages were sold due to monetary difficulties and were not developed as stipulated

in the leases. Under the leases, a fixed low rental was paid to Government with the result that Government had to undergo considerable loss of revenue under those leases.

The estates covered an area of 53,497 acres involving nuksan of Rs. 1,63,000 as well as considerable amount of non-agricultural assessment. Besides, the administration of these villages was in the hands of Khots with the result that Government could not regulate the internal administration.

In furtherance of the Government policy of abolishing intermediaries, these estates were resumed under the Salsette Estates (Land Revenue Exemption) Abolition Act, 1951, with effect from the 1st March 1952. Under the Act, the land revenue exemption enjoyed by the Khots was abolished and all the lands in the villages were made liable to payment of full assessment. The estates resumed are set out in the Schedule appended to the Act.

In the former Salsette estates, the persons recognised as occupants are as follows:

- (1) an estate-holder in respect of lands in his actual possession as an estate-holder or in possession of any person who held through or under him, not being a permanent holder, and
- (2) a permanent holder.

The occupancy rights are recognised in these persons without charging any occupancy price from them.

The Act has vested in Government certain properties in the estates, viz.—

- (1) all waste lands in any estate under the terms of the kowl which were not the property of the Khot,
- (2) all waste lands in any estate which were the property of the Khot under the terms of the kowl but were not appropriated or brought under cultivation before the 14th August 1951, and
- (3) all other kinds of property referred to in section 37 of the Land Revenue Code.

But such properties held by an individual or an aggregate of persons other than the Khot legally capable of holding such properties are not affected. The forest rights of Khots in trees which are not reserved but conceded in the leases are also not affected.

(3) *The Kauli and Katuban Tenures:*

The Kauli and Katuban tenures were found in the former States of Janjira, Sawantwadi and Kolhapur merged respectively in the districts of Kolaba, Ratnagiri and Kolhapur. The expression 'Kaul' ordinarily meant an agreement. It frequently implied that the contract or lease of land was granted on favourable terms for reclamation of the lands. They were, in essence, reclamation leases under which the lands were allowed to be held free from payment of assessment for some years and then the assessment was levied on a graduated scale. The expression 'Katuban' meant fixed rent or assessment not liable to fluctuation. Since 1880, the terms 'Kauls' and 'Katubans' came to be treated as synonymous. The main object of these terms was the improvement of the waste, uncultivated and uncultivable lands.

The Kauli and Katuban tenures were found in the districts of Kolaba (195 villages), Ratnagiri (273 villages) and Kolhapur (3 villages). The important fact about these tenures was that there were no entire villages on these tenures but they covered only scattered lands covering 3,511 acres in the Konkan and its hinterland. The Kauls were generally in cash. The Kauli assessment was generally less than the survey assessment fixed on the lands. But in a few cases, the former exceeded the latter. In the ex-Janjira State merged in the Kolaba district, the Kauldars were treated as occupants of the lands, but the lands could be sold or mortgaged only with the permission of the Nawab on payment of Nazarana to Government. In the Ratnagiri district, the tree-tax at varying rates was levied on these lands. Generally, a Kauli rent of four annas per fruit-bearing coconut tree was charged from the Kauldar. All these leases were permanent or hereditary.

During the continuance of the tenures for more than one hundred years, the lands under the Kauli and Katuban tenures were developed and the *raison d'être* for continuing the reduced assessment disappeared. As a result, these tenures were resumed under the Bombay Kauli and Katuban Tenures Abolition Act, 1953, with effect from the 15th August 1953. All such lands have been subjected to payment of full assessment. All incidents of the tenures including the tree-tax in the Ratnagiri district have been abolished. All the Kauldars and permanent holders have been made occupants without charging any occupancy price. In fact, the Act legalized the *de facto* position in this respect.

(4) *The Janjira and Bhore Khoti:*

The Khoti tenure of a different type existed in the former States of Janjira and Bhore merged in the Kolaba district. The genesis of this Khoti tenure was the same as in the Ratnagiri Khoti, viz. (1) populating villages, (2) promotion of cultivation, and (3) collection of land revenue in the Janjira tract full of hills, creeks and backwaters and in the rugged and hilly area of Bhore. These tenures were not more than 200 years old. The Khoti Settlement Act, 1880, was applied to these Khoti villages in Janjira and Bhore in 1886 and 1890, respectively; but its application to the Janjira villages was not normal because they (the villages) were primarily governed by the sanads granted by the State.

There were 159 entire Khoti villages, 128 in Janjira and 31 in Sudhagad Mahal of Bhore covering an occupied gross Khoti area of 34,821 acres assessed at Rs. 42,865. The Khots paid to Government jama equal to assessment of the lands and enjoyed the surplus called the Khoti faida of the order of Rs. 27,412 per annum.

The incidents of the Khoti tenures in Janjira and Bhore were, however, different. In Janjira, the Khoti tenure had four sub-categories, viz.—

- (1) farokta isafati khoti
- (2) watani " "
- (3) vasuli " "
- (4) tota " "

For these categories of tenures, separate sanads were granted by the State. The farokta khoti villages were given on payment of consideration to Government; whereas the watani khoti villages were granted for services rendered or to be rendered by Subedars, Gadkaris, Patils and Kulkarnis on payment of consideration to the State. Thus, in both these categories the villages were vested in the Khots. The vasuli khoti villages were those which were given for collection of land revenue only without any consideration. The tota khoti villages were leased out for making good the loss (tota) of revenue which the State could not realise. Thus, the lands in these two categories vested in Government. For acquisition of occupancy rights, the Khot had to pay to Government occupancy price equal to five times the assessment. In these villages, there were warkas lands known as Samlatpad and Sabandhpadd which were assessed waste and in respect of which Khots paid assessment to Government.

Both the categories of lands had been decided as Government land during the original settlement.

There were occupancy and ordinary tenants in these villages. In Janjira, the Khoti faida was paid by the occupancy tenants only.

In furtherance of the Government policy of removal of intermediaries from the village administration, the tenures were abolished with all their incidents under the Bombay Merged Territories (Janjira and Bhore) Khoti Tenures Abolition Act, 1953, with effect from the 1st August 1954. The Act has made different provisions for the Janjira and Bhore villages because of the different tenures thereof. In the *Janjira villages*, the following persons are recognised as occupants within the meaning of the Land Revenue Code, 1879:

- (a) in the *farokta or watani* khoti villages,
 - (1) a khot, and
 - (2) an occupancy tenant in possession of khoti land;
- (b) in the *vasuli or tota isafati* villages,
 - (1) a khot in respect of khoti land acquired by him on payment of occupancy price, and
 - (2) a tenant, or if there is no tenant, a khot in possession of such lands;
- (c) in the case of *sarkari* land in the four categories of villages,
 - (1) a tenant in possession, and
 - (2) a khot, if there be no tenant in possession of such land; and
- (d) a dharekari in the case of the dhara land.

For acquisition of occupancy rights, however, in the *vasuli* and *tota* khoti villages, an occupancy price equal to six times the assessment is to be paid to Government by a Khot, a co-sharer or tenant.

In the *Bhore villages*, the following persons are recognised as occupants:

- (a) a khot, in the case of khoti khasgi lands,
- (b) (i) an occupancy tenant in possession of the khoti nisbat land, and
- (ii) a khot, if there be no occupancy tenant in possession of such land, and
- (c) a dharekari in the case of dhara land.

The important departure in these provisions is that here even ordinary tenants paying assessment have been granted a right of occupancy on payment of occupancy price equal to three times the assessment to the Khot.

(5) *The Shilotri Tenure:*

The Shilotri tenure originated in and was confined to the villages of the Kolaba taluka. Some Shilotridars enjoyed a customary right to recover some quantity of paddy commonly known as 'Shilotri Man' from the cultivators of lands reclaimed from salt waste lands by them (Shilotridars) by construction of embankments. Those rights arose out of the Shilotridars' obligation for reclamation of the salt (khar) lands and maintenance of embankments in the past. In course of time, however, such right was enjoyed only by the Shilotridars in the village Son-Kotha, taluka Alibag in the Kolaba district; but the Shilotridar ceased to have the duty of maintenance of the land so reclaimed. In the circumstances, the levy of the Shilotri maund became a burden on the cultivators without any return.

In order to relieve the cultivators from the outdated levy of shilotri man, the Bombay Shilotri Rights (Kolaba) Abolition Act, 1955, was enacted and enforced with effect from the 1st February 1956.

Like the Watwa Vajifdari rights in the Watwa village in the Ahmedabad district, this is another land tenure confined to a single village for which a special Act has been passed!

(6) *Compensation Pattern:*

For extinguishment of the Khots' rights of reversion in *Ratnagiri* and *Kolaba districts*, compensation was provided at an amount not exceeding the amount calculated at the rate of Rs. 2 per 100 acres of such land. For extinguishment of any right to appropriate any uncultivated and waste lands, the compensation was provided at a rate of Rs. 5 per 100 acres of land.

These amounts were in addition to the amounts of commuted value of Khots' dues recoverable by them from their tenants of khoti nisbat lands.

In the resumption of the *Salsette estates*, the compensation provided is for (1) the right of reversion at the rate of Rs. 10 per 100 acres of lands, and (2) for the extinguishment of any right in waste land or any property covered by section 37 of the Code at the rate of Rs. 25 per acre of such land. In the

case of extinguishment of any other right of a Khot or any other person, compensation is to be assessed according to the provisions of sections 23(1) and 24 of the Land Acquisition Act, 1894.

The compensation under the *Bombay Kauli and Katuban tenures* follows the pattern of the Salsette Estates (Land Revenue Exemption) Abolition Act, 1951. The waste lands which could not be appropriated by the Kauldars before the 4th March 1953 have been vested in Government. For extinguishment of the rights of Kauldars in such lands, the Act provides for compensation at a rate of Rs. 25 per 100 acres of such lands. Since the extent of such lands was negligible, Government had to pay practically no compensation under the Act.

The Bombay Merged Territories (*Janjira and Bhor*) *Khoti* Tenures Abolition Act, 1953, provides a pattern of the compensation similar to that of the Bombay Khoti Abolition Act, 1949, except in material particular. In that Act, the maximum of the commuted value has been fixed at three times the Khots' dues, whereas here the maximum is five times such dues. The higher multiple was necessary to compensate the Khot for the loss of his right to grant permission for making the lands heritable and transferable. The other provisions are analogous to those in the Khoti Abolition Act of 1949. Practically, Government will have to pay no compensation under the Act.

By way of compensation, for resumption of the Shilotri tenure, the Act provides that the cultivators should pay to the Shilotridars the commuted value of the shilotri maund for abolition of the shilotri right. The commuted value is to be determined by the Mamlatdar on the application of the Shilotridar and is to be equal to three times the average of the value of the shilotri maund collected by or due to the Shilotridar during the three years immediately before the 1st February 1956. If any person is aggrieved by the Mamlatdar's order or decision, an appeal lies to the Collector.

The abolition of the tenures would not result in increase of land revenue to Government because the Khots and tenure-holders were paying jama equal to full assessment.

(7) *Implementation:*

For implementation of the Act, two special Deputy Collectors were appointed in Ratnagiri and Kolaba districts. They held compensation inquiries and determined the commuted value of the Khots' dues. No compensation was awarded to the Khots

in Ratnagiri; but in Ratnagiri and Kolaba, the commuted value of Khots' dues aggregating to a few lakhs of rupees was awarded. The commuted value was recovered from the tenants who formerly paid the faida to the Khots. As a result, Government had not to bear any financial burden for abolition of the Khoti tenure except the cost of making administrative arrangements in those villages. In the Kolaba district, the claims to non-forest rights have been inquired into and the compensation awarded. But claims to forest rights are under investigation. For all practical purposes, the Act may be said to have been implemented.

The implementation of the *Salsette Estates* (Land Revenue Exemption) Abolition Act, 1951, has been impeded by the injunctions obtained by the Khots from the High Court and the Bombay Revenue Tribunal. The main hurdle in implementation has been the waste lands which would vest in Government under section 4(b) and (c) of the Act. In 1952-53, such lands were vested in Government. But on appeal, the Bombay Revenue Tribunal remanded such cases for formal inquiry under section 37(2) of the Land Revenue Code. Such inquiries are being held by the Special Mamlatdar appointed for the purpose. After this work is completed, the Collector would be in a position to hold inquiries into the compensation applications from the Khots. In other respects, there is no difficulty experienced at the taluka level. The villages which were unsurveyed and unsettled are being surveyed and settled and assessment is being fixed. The non-agricultural assessment on non-agricultural plots in those villages is being levied by the Additional Deputy Collector appointed for the purpose. As a result, there has been an increase of revenue by Rs. 5 or 6 lakhs per year.

Under the Bombay Kauli and Katuban Tenures Abolition Act, 1953, only the village records had to be corrected. The Act is fully implemented in the districts concerned.

The implementation of the Bombay Merged Territories (Janjira and Bhore) Khoti Tenures Abolition Act, 1953, is in progress. The village records are being corrected and the inquiries into the commuted value of Khots' dues are in progress.

The Shilotri Tenure Abolition Act has been fully implemented.

Except the Khoti in Janjira and Bhore areas, the Abolition Acts in the Konkan may be said to have been implemented.

CHAPTER 14

THE LAND TENURES: VIDARBHA

A—ABOLITION OF PROPRIETARY RIGHTS IN VIDARBHA

1. *Introductory: The Malguzari System:*

In the Chapter on the Land Systems of the Central Provinces, we have traced the genesis and growth of the Malguzari system which was the only predominant land tenure in the C.P. In the post-Independence days, it became the policy of Government to remove all intermediaries between the State and the tiller of the soil. With a view to abolition of the intermediaries between the State and the peasants, the Central Provinces and Berar Legislative Assembly passed a resolution on the 3rd September 1946. In pursuance of that resolution, a Bill was introduced in the Legislative Assembly in October 1949. It was passed in April 1950 and was published in the Gazette dated the 26th January 1951 as the Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act, 1950.

2. *The Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act, 1950:*

The Malguzari system was abolished by the Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act, 1950, with effect from the 14th March 1951 in the Amravati, Akola, Buldhana and Yeotmal districts of Berar and from the 31st March 1951 in the remaining districts of the State including Nagpur, Chanda, Wardha and Bhandara. The Act extended to the whole Madhya Pradesh comprising (a) the Central Provinces, (b) Berar, and (c) the merged territories.¹ As a result, separate provisions for the abolition of the intermediaries of those areas were made in the Act. The Madhya Pradesh Land Revenue Code, 1954, has however repealed those separate provisions relating to the three areas.

By this enactment, the proprietary rights of the Malguzars and Zamindars in the Central Provinces and Maufidars, Zamin-dars, Jagirdars in the merged territories, and Izardars and Jagir-dars in Berar were abolished. As a result, the proprietary rights

¹ Since in the eight districts constituting Vidarbha, there are no merged territories, the provisions relating to the merged territories in the Act are redundant for our purpose.

in 43,000 (in round figures) villages vested in the State Government by the 31st March 1951.

3. *Definitions:*

The definitions peculiar to this Act require to be clearly stated for understanding the provisions of the Act. To begin with, an '*estate*' in relation to merged territories is defined as any collection of Mahals or villages held by the same proprietor which has been assessed as one unit to land revenue whether such land revenue be payable or has been released or compounded for or redeemed in whole or in part.

The expression '*fair assessment*' means the assessment fixed under section 96 of the Berar Land Revenue Code, 1928.

The expression '*Mahal*' in relation to merged territories, means any area other than land in possession of a raiyat which has been separately assessed to land revenue whether such land revenue is payable or has been released, compounded for or redeemed in whole or in part.

The expression '*occupied land*' has a special meaning. It means (1) in relation to the Central Provinces, land held immediately before the date of vesting in absolute occupancy, occupancies or village service tenure, or land held as malik makbuza or land comprised in a home farm; (2) in relation to the merged territories, land held by a raiyat, tenant or a village servant or land comprised in a home farm; (3) in relation to Berar, land held as home farm land and land held by a specified tenant.

A '*specified tenant*' means (1) an anti-alienation tenant, (2) a permanent tenant, and (3) a tenant of antiquity.

A '*village site*' means, in relation to the Central Provinces and the merged territories, an *abadi* in an estate or Mahal and, in relation to Berar, an area reserved at the time of settlement for the residence of the inhabitants or purposes ancillary thereto.

The term '*proprietor*' in relation to—

- (i) the Central Provinces, includes an inferior proprietor, a protected thekadar or other thekadar or a protected headman;
- (ii) Berar, means a superior holder; and
- (iii) the merged territories, means a Maufidar including an ex-Ruler of an Indian State merged with Madhya Pradesh, a Zamindar, Ilaquedar, Khorposhdar, or Jagirdar within the meaning of the Wajib-ul-arz or any sanad, etc., and a

Gaontia or a thekadar of a village in respect of which or under the provisions in the Wajib-ul-arz applicable to such village, the Maufidar, the Gaontia or the thekadar, as the case may be, has a right to recover rent or revenue from persons holding land in a village.

Lastly, the term 'home-farm' means in relation to—

- (i) the *Central Provinces*, land recorded as *sir* and *khudkasht* in the name of the proprietor in the annual papers for the year 1948-49, and
 - (ii) land acquired by a proprietor by surrender from tenants after the year 1948-49 till the date of vesting.
- (2) *Berar*, all lands included in the holdings which was—
- (i) under the personal cultivation of the superior holder including land allowed to lie fallow according to *vahivat*,
 - (ii) held by a lessee from the superior holder, and
 - (iii) held by a tenant from the superior holder other than a specified tenant.

(3) *the merged territories*, that part of the land under the personal cultivation of the proprietor on the date of vesting, which was similarly under cultivation in the agricultural year 1949-50 and which he was entitled to retain on the termination of the proprietary tenure under a legal instrument applicable to such tenure.

4. *Vesting of the Proprietary Rights in the State:*

Barring the home farm land and homestead with appurtenant land of intermediaries, after abolition of the proprietary rights in the estates, Mahals, alienated villages and lands, all those properties have vested in Government free of all encumbrances. As a result, all rights, title and interest vesting in the proprietor or any person through him, in such area including land (cultivable or barren) grass land, forests, trees, fisheries, wells, tanks, ponds, water channels, ferries, pathways, village sites, *hals*, *bazars and melas*, and in all sub-soil including rights in rivers and minerals whether being worked or not have been extinguished and vested in the State, free of all encumbrances; and the mortgage debt or charge on the proprietary right is to be a charge on the compensation payable to such proprietor. All grants and confirmation of the title in such properties terminated on the date of vesting. Further, all the rents and cesses payable to the proprietor before are now payable to Government. It is estimated that there would be an increase in rent

and revenue to the tune of Rs. 52 lakhs and about Rs. 40 lakhs on account of other miscellaneous revenue. Thus, as a result of the abolition of the proprietary rights, there has been an aggregate increase in revenue of the order of Rs. 92 lakhs per year.

5. *Continuation of Properties in possession of a Proprietor or other person:*

Besides home farms and homestead with appurtenant land, certain other properties are allowed to continue in the possession of a proprietor or other person if they belonged or were held by him, viz.—

- (a) (i) all open enclosures used for agricultural or domestic purposes and in continuous possession for 12 years immediately before 1948-49,
- (ii) all open house-sites purchased for consideration,
- (iii) all buildings,
- (iv) places of worship,
- (v) wells situated in and trees standing on lands including in such enclosures or house-sites of land appurtenant to such place of worship within the limits of a village;
- (b) all private wells and buildings on occupied land;
- (c) all trees standing on land comprised in the home farm or homestead;
- (d) all trees standing on occupied land other than home farm or homestead land;
- (e) all tanks on occupied land;
- (f) all tanks situated on land other than village site or occupied land of the proprietor and in which no person other than such proprietor had any right of irrigation;
- (g) all tanks and bandharas (embankments) situated on land other than village site or occupied land and the beds of which are under cultivation of such proprietor or other person and the land under such tanks and embankments are to be settled with him on such terms and conditions determined by Government;
- (h) all their groves wherever situate and recorded in the village papers and the land under such groves is to be settled with such proprietor or person on the terms and conditions determined by Government.

Unless the Deputy Commissioner is satisfied that any transfer of property by a proprietor at any time after the 16th March 1950 was made in good faith and declares that the said transfer shall not be void after the date of vesting, the transfer of any property liable to vest in Government made by a proprietor shall be void.

On the date of vesting, the Deputy Commissioner has to take charge of all lands and all interests vested in Government.

6. *Basis of Compensation:*

For extinguishment of the proprietary rights of the Malguzars, Zamindars, Izardars and Jagirdars, compensation is provided in the Act.

The basis of compensation is the *net annual income* of an estate or Mahal in the Central Provinces and merged territories and of the alienated village or land in Berar. Separate provision has, therefore, been made in Schedule I of the Act for calculating the net income.

In the *Central Provinces*, the gross income of an estate or mahal is to be calculated by adding the amount of income received by a proprietor under the following heads:—

- (a) the aggregate of the rents receivable from tenants in such estate or mahal as recorded in the Jamabandhi for the previous year;
- (b) Siwai income, i.e. income from various sources such as *jalkar*, *bankar*, *phalkar*, *hats*, bazars, melas, grazing and village forest calculated at two times the Siwai income recorded in the current settlement; and
- (c) consent money on transfer of tenancy lands—the average annual income calculated at the rate permissible under section 6-A or section 12-A of the C.P. Tenancy Act, 1920, on the transactions recorded in the village papers for ten years preceding the agricultural year.

From the gross income so arrived at, the following amounts are to be deducted in order to arrive at the net income of the estate or mahal:

- (a) the land revenue of the estate or mahal less the part of rental value of the home farm land which bears the same proportion to the rental value as the land revenue assessed on the estate or mahal bears to the Malguzari assets;

- (b) cesses and local rates on all lands in the estate or mahal excluding lands of the home farm;
- (c) the average of the income-tax paid in respect of the income received from big forest during the period of 30 agricultural years preceding the agricultural year,
- (d) cost of management at the rate of—
 - (i) 8 per cent in the case of gross annual income not exceeding Rs. 2,000 for the mahal;
 - (ii) 10 per cent in the case of gross annual income exceeding Rs. 2,000;
 - (iii) 10 per cent in the case of gross annual income exceeding Rs. 2,000 but not exceeding Rs. 15,000 in respect of the estates;
 - (iv) 15 per cent in the case of gross annual income exceeding Rs. 15,000 in respect of estates.

Notwithstanding these provisions, the net income is in no case to be reduced to less than 5 per cent of the gross income.

In *Berar*, the gross income of an alienated village or land is to be determined by taking the average of the income derived from such village during the ten agricultural years immediately preceding the agricultural year from the following sources:

- (a) the aggregate of rents payable by tenants for lands other than home farm land;
- (b) income derived from village sites, grazing land and village forest; and
- (c) any other sources from which the superior holders derived income.

From the gross income calculated as above, the following amounts are to be deducted for arriving at the net income:

- (a) land revenue in respect of lands other than home farm lands;
- (b) cesses or local rates and jagalia or mahar cess payable by the superior holder in respect of all lands other than home farm lands;
- (c) annual emoluments payable to patels and patwaris;
- (d) one-tenth of the amount paid as income-tax on account of income from village forest during the ten agricultural years immediately preceding the agricultural year;
- (e) cost of management at the rate of—

- (i) 8 per cent in the case of gross annual income not exceeding Rs. 2,000;
- (ii) 10 per cent in the case of gross annual income exceeding Rs. 2,000;
- (iii) 15 per cent in the case of gross annual income exceeding Rs. 15,000.

But in no case, the net income is to be reduced to less than 5 per cent of the gross income.

7. *Compensation for Mining Rights:*

In the case of a village of the Central Provinces, where the *mining rights* vest in the proprietor under the Waste Lands Sales Rules, 1864, the net income from the mining rights should be added to the net income worked out as above for the estate or mahal. The gross income of a mine which has been worked at any time during the ten agricultural years preceding the agricultural year is to be worked out as follows:

- (a) (i) in the case of a proprietor in receipt of royalties on account of mines and minerals in his mahals, the average income on account of royalties calculated on the basis of the annual returns filed by him for assessment of cess or income-tax during the period of ten agricultural years preceding the agricultural year;
- (ii) in the case of a proprietor, directly working a mine in his mahal, the average annual gross income from such mine calculated on the same basis as in (i) above.
- (b) from the gross revenue, the net income is to be worked out by deducting the following items:
 - (i) the average of the income-tax paid in respect of the royalties completed for the period mentioned above and the cost of collection of such rates;
 - (ii) 95 per cent of the gross income determined under paragraph (a)(ii) which shall be deemed to be part of the income reserved to him in respect of the rights contained in section 72.

If the net income so arrived at is less than the amount calculated at a rate of four annas per acre of the area in which the mining rights exist, the net income of the proprietor shall be deemed to be the amount which is greater. In the case of the mining rights not so covered, the net income shall be equal to a sum calculated at 4 annas per acre of the area covered by the mining rights.

Lastly, in the *merged territories*, the gross assets of an estate or mahal are to be calculated by adding the amount of income received by a proprietor under the following heads:

- (a) the aggregate assessment of lands in the estate or mahal other than home farm lands;
- (b) siwai income, i.e. income from various sources such as *jalkar*, *bankar*, *phalkar*, *hats*, bazars, grazing income from village forest, etc., calculated at two times the siwai income recorded in the current settlement and if there was no such settlement in any area, then the average annual income based on the average income from all sources for the three years immediately preceding the agricultural year; and
- (c) consent money on the transfer of tenancy and raiyati lands.

From the gross income so calculated, the net income is to be arrived at by deducting the following items of income:

- (a) the land revenue of the mahal or estate in the previous agricultural year or a fraction of land revenue where payable less the assessments on the home farm lands;
- (b) cesses and local rates payable by the proprietor on the mahal or estate excluding the home farm land;
- (c) any expenditure to be incurred as a matter of duty under any instrument;
- (d) cost of management at the rate of—
 - (i) 8 per cent in the case of gross annual income not exceeding Rs. 2,000 in respect of mahals;
 - (ii) 10 per cent in the case of gross annual income exceeding Rs. 2,000 in respect of mahals;
 - (iii) 10 per cent in the case of gross annual income exceeding Rs. 2,000 but not exceeding Rs. 15,000 in respect of estates;
 - (iv) 15 per cent in the case of gross annual income exceeding Rs. 15,000 in respect of the estates.

But in no case, the net income is to be reduced to less than 5 per cent of the gross income.

8. *Quantum of Compensation:*

The quantum of compensation in the *Central Provinces and Berar* is to be ten times the net income calculated as above.

In the *merged territories*, the compensation amount shall be on the basis of the multiples of net income stated below:

<i>Net annual income</i>	<i>Multiples of the net annual income</i>
(1) where the net annual income does not exceed Rs. 500 per year	10
(2) where the net annual income exceeds Rs. 5,000 but does not exceed Rs. 10,000	8 multiples or Rs. 5,000, whichever is greater.
(3) where such income exceeds Rs. 1,000 but does not exceed Rs. 2,000	5 multiples or Rs. 8,000, whichever is greater.
(4) where such income exceeds Rs. 2,000	2 multiples or Rs. 10,000, whichever is greater.

In the case of a proprietor other than a Thekadar, Gaontia or headman, the compensation is payable in the multiples shown above. But in the case of a Thekadar, Gaontia or headman who was entitled as of right to have his theka renewed, compensation payable is half the amount payable according to the above table. Lastly, in the case of a Thekadar, Gaontia or headman who was not entitled to have his theka renewed, the amount of compensation payable is equal to the net annual income calculated in respect of the estates or mahals of the merged territories generally.

The above is the general scheme of compensation payable to the persons who have been divested of their proprietary rights. But additional compensation is payable in respect of the expenditure incurred by a proprietor after the 11th March 1949 on any tank, well or work vested in the State under the Act.

In addition to the above compensation, additional compensation is payable as under in respect of the lands lying in the municipal or cantonment area and vested in the State under the rules contained in Schedule II. Such compensation payable shall be such multiples of assessment on the land specified below:

<i>Town in which the land is situated</i>	<i>Multiples of assessment</i>
(1) Nagpur, Wardha, etc.	15
(2) Chanda, Bhandara, Burhanpur, Itarsi, etc.	10
(3) All other towns	5

The above compensation is payable as from the date of vesting carrying interest at the rate of $2\frac{1}{2}$ per cent from the date of vesting to the date of payment.

Compensation Inquiries:

For the purpose of assessing compensation, the Act provides appointment of one or more Revenue Officers as Compensation Officers. Every proprietor who is divested of his proprietary rights has to apply for compensation to the Compensation Officer within a period of 15 days of vesting of the property. On receipt of the application, the Compensation Officer has to make a formal inquiry into the claim, and record in a statement in the prescribed form, the details of land which have vested in Government after its acquisition in lieu of the payment of such compensation and such other details.

The Compensation Officer has to assess the amount of compensation payable for the *whole* estate, mahal or alienated village as *one unit* and then determine the amount due to such claimant as follows: Where there are co-sharers, the amount of compensation is to be distributed between them in proportion to their shares. In the Central Provinces, where superior and inferior proprietary rights exist in the same estate, mahal or alienated village, the compensation is to be distributed in the proportion in which the proprietary profits are shared by them immediately before the date of vesting. In the Central Provinces and merged territories in an estate or mahal where the proprietary rights were held by under-tenures, such as a protected Thekadar or other Thekadar or a protected headman, the Compensation Officer has to apportion the total amount of compensation between the various claimants having regard to—

- (a) the premium, if any, paid at the commencement of the theka or lease;
- (b) the terms and conditions of the theka;
- (c) loss, if any, caused to the Thekadar as a result of the determination of the theka;
- (d) the gross assets and the net assets of the estate or mahal under the theka;
- (e) the amount payable annually by the Thekadar, etc.

The Compensation Officer shall pass an order for payment of compensation.

If during the inquiry, any question is raised regarding the title to the proprietary rights in the property divested, the Compensation Officer has to summarily inquire into the merits of the claim and pass such orders as he thinks fit.

This order of the Compensation Officer is not subject to any appeal or revision; but the aggrieved party may, within two months from the date of such order, institute a suit in a civil court to have the order set aside; but subject to the decision of the suit, the order of the Compensation Officer is final and conclusive.

Any person aggrieved by the order of the Compensation Officer may appeal, within 45 days, from the date of supply of such order to such person, to the Deputy Commissioner if the amount of compensation assessed does not exceed Rs. 1,000 and to the Settlement Commissioner if the amount exceeds Rs. 1,000. The Settlement Commissioner is empowered to call for and examine the record of any order passed by the Compensation Officer for the purpose of satisfying himself as to the propriety or legality of the order and to pass such order as he thinks fit.

The Compensation Officer, the Deputy Commissioner or the Settlement Commissioner may, either on his own motion or on the application filed within 30 days of the supply of statement of compensation by any party interested, *review* an order passed by himself or his predecessor in office and pass such order as he thinks fit.

Subject to such appeal, revision and review of the order of the Compensation Officer, the decision of the Compensation Officer is final and conclusive in respect of the quantum of compensation payable and other entries made in the statement by the Compensation Officer.

9. *Determination of the Debts:*

The Act makes detailed provisions for the determination of the debts. Creditors have to submit their claims to the Claims Officer within 6 months of the vesting of the estates in Government. After making inquiries and having regard to the priorities of debts between different creditors, the compensation payable to the proprietor is to be distributed between the secured creditors in the order of priority. In doing so, he is to be guided by the provisions of the Transfer of Property Act, 1882. If the Claims Officer finds that the amount of compensation is not sufficient to satisfy the claims, he will make an order about

the unpaid amount of their claim. This unpaid amount could be realized by obtaining a civil court decree. Against the order of the Claims Officer, an appeal lies to the Board of Revenue whose decision is final.

10. *Payment of Compensation:*

The compensation is payable in one or more of the following modes:

- (1) in cash in full or in annual instalments not exceeding thirty;
- (2) in bonds either negotiable or not negotiable carrying interest at the rate of $2\frac{1}{2}$ per cent and of guaranteed face value maturing within a specified period not exceeding thirty years.

Where the compensation is not paid within a period of six months from the date of vesting, the State Government has to pay interim compensation equal to 1/10th of the estimated amount of compensation.

Rules have been framed for payment of compensation after deduction of any amounts due to Government and the secured creditors. If the person entitled to receive the compensation is a wakf, trust or endowment or a minor or a person suffering from any legal disability, the compensation may under orders of Government, be invested by the Deputy Commissioner for and on behalf of the person, in Government securities, treasury notes, or in the fixed deposits in the State Bank of India or the Madhya Pradesh Co-operative Bank after obtaining Government orders.

If the proprietary rights in respect of which compensation is payable are held by a limited owner or the holder of a life-interest, the Deputy Commissioner has to keep the amount in deposit and pay the interest to the limited owner during his lifetime. If any person entitled to payment of compensation refuses to accept such amount, the Deputy Commissioner will keep the amount in revenue deposit.

The net amount is to be paid in instalments not exceeding eight determined as follows:

- (1) if the net amount is less than hundred rupees, the whole of it shall be paid in one instalment;
- (2) if the net amount is more than hundred rupees, the first instalment shall be calculated by adding the following sums:

- (i) one hundred rupees;
 - (ii) one-third of the amount arrived at after deducting one hundred rupees from the net amount; and
 - (iii) the remainder arrived at by deducting from the net amount the total of the sums mentioned in sub-clauses (i) and (ii) and by dividing the balance by fifty;
- (3) the balance remaining over after deducting the amount of first instalment determined under rule (2) from the net amount shall be paid as follows:
- (i) if the balance is less than three hundred and fifty rupees, the amount shall be paid in equal instalments of rupees fifty until satisfied;
 - (ii) if the balance is more than three hundred and fifty rupees, then it shall first be divided into seven instalments each being equal to fifty times the integral quotient obtained by dividing such balance by three hundred and fifty. The amount remaining, if any, shall be paid by adding rupees fifty to the amount of each instalment so determined commencing from the eighth instalment as far backwards as necessary.

The amount of compensation remaining after adjustment of land revenue, cesses and other Government dues is payable firstly to the creditors, if any, of the proprietor in accordance with the orders of the Claims Officer and then to the proprietor.

The date on which the entire compensation or the first instalment thereof was payable was the 18th May 1952 and subsequent instalments on the 1st May of succeeding years.

Interest at $2\frac{1}{2}$ per cent is to be paid on the total amount payable for the period from the date of vesting to the date of the first payment of instalment.

11. *Rehabilitation Grants:*

Like the Saurashtra Land Reforms Act, this Act provides for payment of rehabilitation grant to every proprietor who has been divested of his property under the Act and who earns his livelihood wholly or mainly from agriculture. The grant is to be made as provided in the Rules in Schedule III, as follows:

For considering the grant, the aggregate sum payable by a proprietor under the following heads is to be determined by addition of the following amounts:

- (a) land revenue payable for his proprietary share in the estate, mahal, alienated village or land,
- (b) land revenue payable on his home farm land, and
- (c) land revenue or rent payable on any lands held by the proprietor.

On the aggregate sum so arrived, the rehabilitation grant is to be given on the following scale which is based on the aggregate amount of land revenue payable to Government:

Group	Aggregate sum of land revenue payable to Government	Rehabilitation grant payable
1.	Where the sum does not exceed Rs. 25.	Rs. 150.
2.	Where such sum exceeds Rs. 25 but does not exceed Rs. 40.	6 times the aggregate sum.
3.	Where such sum exceeds Rs. 40 but not Rs. 50.	Rs. 250 or five times the aggregate sum whichever is greater.

Such grant is not payable to a proprietor where the aggregate sum of land revenue worked out as above exceeds Rs. 60. The rehabilitation grant is payable from the date the amount of compensation for divesting property is payable to a proprietor.

Exception, however, is made in cases where the income of any property vesting in the State was used for the maintenance or upkeep of any religious, charitable or public institution. Government may grant an *annuity* determined having regard to the following matters:

- (a) the portion of the income from the property which has been generally used for the institution;
- (b) income from interest from the amount of compensation or rehabilitation grant given under the Act;
- (c) income from other properties held by the institution; and
- (d) the amount considered reasonable for fulfilling the objects of such institution.

Such annuity is revisable by Government from time to time.

For obtaining the annuity, an application is to be made to the Deputy Commissioner who will pass an order granting the annuity.

12. *Grant of Special Annuity in Merged Territories:*

In addition to the rehabilitation grants, special annuity may be granted in the merged territories in respect of any property vested in the State which was either wholly or partially free from payment of land revenue for the maintenance or upkeep of religious, charitable or public institution for fulfilling the objects of such institution. But such annuity is not to exceed half the amount of land revenue enjoyed by the institution before the commencement of the Act.

For obtaining the special annuity, an application is to be made to the Deputy Commissioner. This annuity is payable with effect from the date of vesting on the 1st April 1952—the first instalment and subsequent payments—on the 1st day of April each year.

The grant of the special annuity is subject to the following main conditions:

- (1) The total income accruing from special annuity interest on compensation and other sources should be strictly spent on religious, charitable or public purposes;
- (2) Regular accounts of income and expenditure should be maintained;
- (3) The institution should be managed by a Committee consisting of five persons appointed by the Deputy Commissioner excluding institutions run by a society registered under the Societies Registration Act, 1860:
- (4) The grant shall be subject to annual verification that it is being utilized only for the specific purpose for which it was made. It shall be continued so long as the institution is efficiently maintained;
- (5) The grant shall not be alienated by purchase or otherwise.

The State Government shall cause a special review of each grant at an interval of every five years to ascertain whether further continuance of the grant is justified.

13. *Mines and Minerals:*

The provisions relating to the mines and minerals apply to the villages settled under the Waste Lands Sales Rules, 1864, in the Central Provinces.

All mines comprised in any property vested in the State under the Act where being *worked directly by the proprietor* shall be

deemed to have been leased by Government to the proprietor from the date of vesting. Thereafter, such proprietor is entitled to retain possession of those mines as a *lessee* thereof. The terms and conditions of such lease shall be as agreed upon between the State Government and the proprietor. If no agreement could be arrived, then they will be settled by the Mines Tribunal.

But if there was a subsisting lease of mines or minerals comprised in such property or a part thereof, such property is to be deemed to have been leased by Government from the date of vesting to the holder of such lease for the remainder of the term of the lease. Such holder thereafter is entitled to retain possession of the leasehold property. The terms and conditions of the subsisting lease shall continue to apply *mutatis mutandis* but subject to a further condition that if the holder had not done before the commencement of the Act any prospecting or development work, Government is entitled, within one year from the date, to terminate the lease by giving three months' notice in writing. For such premature termination of the lease, the lessee is entitled to compensation as agreed upon between Government and the lessee. The holder of such lease is not entitled to claim any damages from the outgoing proprietor on the ground that the terms of the lease became incapable of fulfilment by the operation of the Act.

All the buildings and the lands appurtenant to the mines shall be deemed to have been leased by Government to the lessee from the date of vesting. And the lessee is entitled to retain possession of such properties subject to payment of such fair and equitable ground-rent as may be agreed upon between Government and the lessee and in default of agreement, as may be fixed by the Mines Tribunal.

In effect, after acquisition of the proprietary rights by Government, the proprietor or lessee of mines becomes the lessee of Government and the buildings and lands vest in Government and the proprietor continues as a lessee thereof on payment of rent to Government.

14. *The Mines Tribunal:*

Government is empowered to appoint a Mines Tribunal consisting of a Chairman who shall be a District Judge and a member who shall be a mining expert. The Tribunal is empowered to settle the terms and conditions of the lease and the extent of property deemed to have been leased by Government.

If there is a difference of opinion between the Chairman and the member in regard to any matter, it is to be referred to a Judge of the High Court nominated by the Chief Justice and the decision of such Judge shall be binding on the Tribunal. The Rules provide that the Tribunal shall follow such procedure as is consistent with justice, equity and good conscience.

15. *Reservation of Grazing Lands:*

The Madhya Pradesh Land Revenue Code, 1954, has repealed sections 38 to 70 excluding sections 48, 52 and 64. Sections 48 and 64 relate to the reservation of grazing areas in the Central Provinces and the merged territories, respectively. If the Deputy Commissioner finds that grazing area in any village is insufficient or no lands have been reserved for grazing, he will assign such area from any area vesting in the State in the village, areas held by a proprietor and any area recorded as khudkasht of the proprietor or held by a proprietor as malik makbuza. When any area of a proprietor is reserved for grazing, the proprietor is to be paid compensation equal to the expenditure incurred by him in bringing the said land under cultivation.

16. *Financial Implications of the Reform:*

In consequence of the acquisition of the proprietary rights, it is estimated that there would be an annual increase of rent and revenue of the order of Rs. 52 lakhs and of Rs. 40 lakhs on account of the miscellaneous revenue. Thus, the aggregate increase in revenue will be of Rs. 92 lakhs per year. Against these receipts, the compensation to ex-proprietors and rehabilitation grants to the petty proprietors work out to Rs. 480 lakhs and Rs. 9 lakhs, respectively. It may be remembered that the rehabilitation grants are payable immediately and the compensation in instalments not exceeding 8. Besides, Government has to incur additional annual recurring expenditure of about Rs. 117 lakhs on collection of land revenue, additional staff and on other matters relating thereto. It is, therefore, stated that at present, there is no significant financial gain to Government; but in the course of time, there will be substantial yield of revenue to Government. It should be remembered that the Act primarily aimed at removal of the over-lordship of the Malguzars and Zamindars and not at increasing revenue of the State.

17. *The Special Features of the Act:*

The Act has special features which are distinguishable from those of the Bombay Abolition Acts. Its very broad special features are stated below.

The vesting of the lands and properties under this Act is very comprehensive. All rights, title and interest vesting in the proprietor in land, grass, lands, ponds, forests, trees, fisheries, wells, tanks, water channels, village-sites, *hats*, bazars, and in all sub-soil including rights in mines and minerals are vested in Government. In our Abolition Acts, the subsisting rights to mines and minerals and forests are not abolished. They vest not the entire village sites in Government but only the unbuilt portions of the village sites. (Section 4.)

Our compensation provisions are simple, as they are generally based upon the land revenue payable to Government or income received by the tenure-holder. The pattern of the compensation provisions under this Act is very complicated, because it is based on the net annual income worked out by deducting from the gross income of the estates, mahals or alienated villages or lands, the amounts on account of land revenue, income-tax, cost of management of such estates, etc. (Schedule I).

Apart from the basis, the quantum of compensation also varies in the C.P. merged territories and Berar. In the former two areas, the quantum of compensation is ten times the net annual income as worked out above; whereas in the third area, it varies from 2 multiples of the net annual income or Rs. 10,000, whichever is greater, to 10 multiples of net annual income. Unlike the Bombay Acts, additional compensation is payable in respect of lands lying in the municipal or cantonment area vested in the State. Here the compensation is based on multiples of assessment varying from 5 to 15. (Schedule II.)

Under the Bombay Acts, compensation is payable only in transferable bonds bearing interest at 3 per cent from the date of issue and redeemable during a period of 20 years in equated annual instalments of principal and interest. In Madhya Pradesh, however, compensation is either payable in cash in full or in annual instalments not exceeding thirty or in bonds either negotiable or not negotiable carrying interest at $2\frac{1}{2}$ per cent and of guaranteed face value maturing within a specified period not exceeding thirty years. Unlike Bombay, the interest is payable from the date of vesting to the date of payment of compensation.

In the Bombay Acts, there is no provision for interim payment of compensation; whereas under this Act, such interim compensation equal to 1/10th of the estimated amount of com-

pensation is payable, if compensation is not paid within six months from the date of vesting of the property in Government.

If the person entitled to receive compensation is a wakf trust or endowment or a minor or a person suffering from any legal disability, the compensation amount is under the orders of Government to be invested in Government securities, treasury notes, etc. The Bombay Acts do not make such a provision in the case of such bodies.

Unlike the Bombay Acts, the Act makes comprehensive provisions for settlement of the debts of the proprietors and payment of their debts from the amount of compensation payable to them.

The Bombay Acts do not provide for rehabilitation grants to petty tenure-holders. But under this Act, every proprietor who has been divested of his property and who earns his livelihood wholly or mainly from agriculture is given rehabilitation grant in cash varying from Rs. 150 to Rs. 250 or five times the aggregate sum, whichever is greater. This scale is based on the aggregate sum of land revenue payable by him to Government. This grant is in addition to the usual compensation payable to him (Chapter X).

Unlike the Bombay Acts, the lands and properties held for the maintenance and upkeep of any religious, charitable or public institution are vested in Government and instead of giving compensation in lump sum or bonds, an annuity is given to such institutions. [Sections 77(2) and 81-A.]

The Bombay Acts do not affect the rights to mines and minerals of the tenure-holders. But under this Act, the proprietors or lessees of the mines and buildings and lands appurtenant thereto are divested of those rights in mines and buildings and after their vesting in Government, they are treated as lessees of Government on the terms and conditions agreed between them and Government. For implementing these provisions, the Mines Tribunal has been appointed. (Chapter IX.)

The Compensation Officer has to decide the claims to compensation under the Act. If any person is aggrieved by his order about compensation he may appeal to the Deputy Commissioner, if the amount of compensation respectively does not or exceeds Rs. 1,000. Further, the Compensation Officer, the Deputy Commissioner or Settlement Commissioner is empowered to review either on his own motion or on application, an order

passed by himself or his predecessor-in-office. The Bombay Abolition Acts provide only one appeal and that too to the Bombay Revenue Tribunal. The power to review is not given to the Compensation Officer or the Bombay Revenue Tribunal. (Section 15.)

The appellate or revisional powers exercised by the Deputy Commissioner and the Settlement Commissioner will have to be exercised by the Bench of the Bombay Revenue Tribunal to be located at Nagpur.

18. *Implementation of the Act:*

The Act was enforced with effect from the 31st March 1951. On enforcement, its validity was challenged by the Maharaja of Bastar on the ground that his right was guaranteed under the agreement entered into with the Government of India with the result that the Act could not apply to the ex-Rulers of the States. The Nagpur High Court dismissed the application upholding the State's power to take over his property under the Act.

The Malguzars went in appeal to the Supreme Court urging *inter alia* that the Malguzari lands were not covered by the definition of the term 'estates' as given in Article 31-A of the Constitution, that the Act was not properly passed by the State Legislature and that the Ruler's privileges guaranteed could not be changed. On the basis of the judgment in the applications challenging the validity of the Bihar Zamindari Abolition Act, the Supreme Court dismissed the petitions and upheld the validity of the Act.

As a result of the liquidation of the Malguzari system, over 43,000 villages are vested in Government yielding an additional land revenue and rent of the order of Rs. 92 lakhs per year. Also a large number of village irrigation tanks are vested in Government and most of these tanks, if developed, would serve as a preventive to scarcity. Further, the forests covering about 1 crore of acres in those villages are also vested in Government. Since the War, as those forests have been ruthlessly exploited by the Malguzars, it is feared that they are not likely to yield any income for some time to come.

By 1954, the aggregate amounts on account of compensation and rehabilitation grants of Rs. 267 lakhs were paid from the State revenues. The latest position in implementation is not known.

B—REVENUE-FREE AND QUIT-RENT TENURES

Apart from the Zamindars and Jagirdars, there were revenue-grantees holding villages as grants from the ruling families to their relatives or dependants. Many of them were held free of revenue. Villages of this class were numerous in the Nagpur tract, where during the last days of the Bhonsle rule, court favourites and others were able to secure grants of village revenues on very slender grounds. In the southern districts, such privileged tenures were called muafis or maktas according as the village was revenue-free wholly or partially. In the northern districts, they were called *Ubaris*.

In Berar, there were Jagirdars who held villages wholly or partially free from payment of land revenue.

These tenures always involved the proprietary right. They were all investigated and their validity determined before the settlements closed. Many were found invalid and therefore lapsed to Government.

The Central Provinces and Berar Revocation of Land Revenue Exemptions Act, 1948:

In the C.P. and Berar, the land revenue exemptions enjoyed by the holders of the muafis, inams and jagirs were revoked by Government under the *Central Provinces and Berar Revocation of Land Revenue Exemptions Act, 1948*. It was published in the gazette on the 21st May 1948. It applies to Madhya Pradesh *excluding the merged territories*.² Such estates, mahals, village or lands in the Central Provinces have been made liable from the agricultural year 1948-49 to the payment of land revenue equal to the amount of Kamil-Jama as revised by the C.P. Revision of Land Revenue of Estates Act, 1947, or by the C.P. Revision of the Land Revenue of Mahals Act, 1947,³ as the case may be. Such estates in Berar are made liable to payment of land revenue equal to fair assessment made under section 96 of the Berar Land Revenue Code, 1928.

The Act does not alter the nature of a person's tenure of the estate, mahal, village or land, and his tenure shall continue to be in the same right after the commencement of the Act as it was before the commencement of the Act or affect the operation of the first proviso to section 41 of the C.P. Tenancy Act, 1920

² There are no merged territories in Vidarbha.

³ These Acts have been dwelt upon in the Chapter on the "Land Systems".

(since repealed under the Madhya Pradesh Land Revenue Code, 1954).

The Act provides for awards of money grants for pension to persons who are adversely affected by the revocation of the land revenue exemption. Such persons have to apply to the Deputy Commissioner for such grant or pension. The State Government is empowered to make a grant of money or pension (a) for the maintenance of upkeep of any religious, charitable or public institution or service of like nature or (b) for suitable maintenance of any family of a descendant of a former ruling Chief. Since the jurisdiction of the civil courts is barred, the award by the State Government is final. Lastly, notwithstanding the provisions of the Act, Government has retained the power to grant exemptions of land revenue.

The provision for award of grant or pension is a novel provision which is not found in any of the provisions of the Bombay Abolition Acts. Till the year 1954, Government had sanctioned pensions of Rs. 58,000 and money grants of Rs. 72,192 to the families of the descendants of the ruling Chiefs and religious and charitable institutions affected by the withdrawal of exemptions.

The revocation of exemptions in respect of lands, estates and mahals granted for various purposes, has resulted in an additional land revenue amounting to Rs. 12,05,903.

CHAPTER 15

THE LAND TENURES: MARATHAWADA

1. THE INAMS

In the Hyderabad State, the lands which were held wholly or partially free from payment of assessment were called Inams. The inams were held by individuals or institutions as remuneration for performance of certain duties or as charitable endowments for the maintenance of charities. The grants covered entire villages as well as scattered lands. They multiplied when the central government was weak. In order to inquire into these alienations, an Inam Commission was appointed which made detailed inquiries during 1865 to 1903. As a result of this inquiry, the inams which were proved valid were continued and fresh title deeds were issued. In other cases, the inams were resumed or charged with judi at the discretion of Government. These inams being distinct did not come under the purview of the Jagir (Abolition) Regulation. The rights of tenants of these inam lands and villages were, however, regulated by the Hyderabad Tenancy and Agricultural Lands Act, 1950.

The inam lands were not transferable and at each succession, the grant made by the Ruler had to be confirmed. In order to resume such inams, the Inams Enfranchisement Act, 1952, was enacted and all inams which were not saddled with the conditions of services were converted into ryotwari holdings subject to payment of full assessment. The inams covered an aggregate area of 16 lakh acres involving alienation of land revenue to the extent of Rs. 32 lakhs. The enfranchisement was expected to cover 75% of the inams yielding an estimated increase of Rs. 24 lakhs to the State. But in 1954, the Inams Enfranchisement Act was repealed and the Hyderabad Abolition of Inams Act, 1954, was enacted.

(a) The Hyderabad Abolition of Inams Act, 1954:

The Act extends to the whole State and is applicable to all inams except those held by or for the benefit of charitable and religious institutions and inams held for rendering village service useful to Government or to the village community including seth-sendhi, neeradi and balutha inams. It repeals the Hyderabad Enfranchised Inams Act, 1952, from the date of

vesting. The sections 1, 2, 3, except clauses (d), (g) and (h), and (i) of sub-section (2), sections 30 to 34, 35, 36 and 37 came into force on the 20th July 1955, whereas the remaining sections would come into force on the dates to be notified subsequently in the Gazette.

The expression '*inam*' is defined to mean land held under a gift or a grant made by the Nizam or by any jagirdar, holder of samasthan or other competent grantor and continued or confirmed by virtue of a muntakhab or other title-deed with or without the condition of service and coupled with remission of the whole or part of the land revenue thereof and entered as such in the village records and includes—

- (i) arazi makhta, arazi aghar and seri inam, and
- (ii) lands held as inam by virtue of long possession and entered as inam in the village records. But in respect of the former jagir areas, the expression '*inam*' shall not include such lands as have not been recognised as inams by Government after the abolition of the jagirs.

The expression '*permanent tenant*' has been defined as a person, who from a date prior to the 10th June 1950, has been cultivating the inam land on a permanent lease from the inamdar whether under an instrument or oral agreement. A '*protected tenant*' means a protected tenant as defined in the Hyderabad Tenancy and Agricultural Lands Act, 1950. Non-protected tenants are those who are neither permanent nor protected tenants.

All the inams are abolished with effect from the 20th July 1955 under this Act, and the lands have become liable to full land revenue under the provisions of the Land Revenue Act, 1317, Fasli (1907). Further, all rights, titles and interests vesting in the inamdar, Kabiz-e-Kadim, permanent tenant, protected and non-protected tenants in respect of the inam land other than the interests expressly saved by or under the provisions of this Act and including those in the commercial lands, cultivated and uncultivated lands (whether assessed or not), waste lands, pasture lands, forests, mines and minerals, quarries, rivers and streams, tanks and irrigation works, fisheries and ferries shall cease and be vested absolutely in the State free from all encumbrances. But the private buildings and inam lands used for non-agricultural purposes shall continue to vest in the persons concerned. If any inamdar has created by way of lease or otherwise any right in any inam land including rights in any forest, mines, minerals, quarries, fisheries or ferries, the

transaction shall be valid and enforceable by or against Government.

All such lands have become liable to payment of land revenue. All rents and land revenue including cesses and royalties accruing in respect of such inam lands on or after the date of vesting is payable to the State and not to the inamdar. But the inamdar or any other person whose rights are vested in the State is entitled only to compensation from Government under the provisions of the Act.

The Act has extinguished the relationship with regard to the inam land as between the inamdar and Kabiz-e-Kadim, permanent, protected and non-protected tenants. They will have only those rights and privileges which are recognised under this Act.

(b) Conferment of Occupancy Rights:

The following categories of persons are recognised as occupants under the Act:

- (1) *An inamdar* is recognised as an occupant of all inam lands other than (a) lands set apart for the village community, grazing lands, waste lands, forest lands and quarries, tanks, tank-beds and irrigation works, streams and mines; and (b) lands in respect of which any person is entitled to be registered as occupant.
- (2) *Every Kabiz-e-Kadim* in respect of such inam lands in his possession which were under his personal cultivation and which together with any lands, he separately owns and cultivates personally, are equal to $4\frac{1}{2}$ times the 'family holding' as defined in the Hyderabad Tenancy and Agricultural Lands Act, 1950.
- (3) *Every permanent tenant* in respect of such inam lands in his possession as may be left over after allotment to the inamdar which immediately before the date of vesting were under his personal cultivation and which together with any lands he separately owns and cultivates personally, are equal to $4\frac{1}{2}$ times the 'family holding' on payment of a premium equal to 25 times the land revenue for dry land and 9 times for wet land payable in not more than ten annual instalments along with the land revenue and in default is recoverable as arrears of land revenue.
- (4) *Every protected tenant* in respect of such inam lands in his possession as may be left over after allotment to the

inamdar, which were under his personal cultivation and which, together with any lands he owns and cultivates personally, are equal to $4\frac{1}{2}$ times the 'family holding', on payment of a premium equal to 40 times the land revenue for dry land and 13 times for the wet land payable in not more than ten annual instalments as in the case of the permanent tenants.

- (5) *Every non-protected tenant* subject to the provisions of section 37 of the Hyderabad Tenancy and Agricultural Lands Act, 1950, in respect of such inam lands in his possession as may be left after allotment to the inamdar which immediately before the date of vesting were under his personal cultivation and which together with any lands he separately owns and cultivates personally, are equal to $4\frac{1}{2}$ times the 'family holding', on payment of a premium equal to 60 times the land revenue for dry land and 20 times for wet land payable in not more than ten annual instalments as in the case of permanent tenant.

The Act does not affect the mutual rights and obligations of an inamdar and his tenants as secured under the provisions of the Hyderabad Tenancy and Agricultural Lands Act, 1950.

(c) *The Compensation Pattern:*

The Act provides for compensation as under:

Person entitled to compensation	Amount of compensation payable	
1. Inamdar and Kabiz-e-Kadim in respect of inam lands of which they are made occupants.	A sum equal to 20 times the difference between land revenue and judi (20 times the nuksan).	
2. Inamdar from the lands registered in the names of permanent, protected and non-protected tenants.	A sum equal to 60 per cent of the premium charged from them, i.e.	
	Dry land	Wet land
(a) Permanent tenant	25 times the land revenue.	9 times the land revenue.
(b) Protected tenant	40 —do—	13 —do—
(c) Non-protected tenant	60 —do—	20 —do—

This premium is subject to the proviso that if such tenant has paid any amount to the inamdar for obtaining the right

of possession before, prior to the date of vesting, and the said amount is equal to or more than 60% of the premium, he is entitled to a deduction equal to 60% of the sum. If the said amount is less than 60%, then he is entitled to deduction equal to the amount actually paid by him. This amount will be adjusted towards the compensation payable to the inamdar as shown above.

We have seen that under the Act, lands in excess of $4\frac{1}{2}$ times the family holding held by the inamdar Kabiz-e-Kadim and permanent, protected and non-protected tenants in possession of the inam lands have been taken over by Government. For extinguishment of their rights in such lands, their holders are compensated as under:

Category of inam land taken over	The multiples of land revenue payable as compensation	
	For dry lands	For wet lands
I. Cultivated lands:		
(1) taken over from inamdar or Kabiz-e-Kadim	20	10
(2) taken over from protected or permanent tenants	15	7
(3) taken over from non-protected tenants	10	5
II. Uncultivated lands:		
(1) taken over from inamdar or Kabiz-e-Kadim	8	4
(2) taken over from protected or permanent tenants	6	3
(3) taken over from non-protected tenants	4	2

The compensation is due from the date of vesting and carry interest at $2\frac{3}{4}$ per cent from the date of vesting to the date of payment. It is payable either—

- (1) in cash in full or in annual instalments not exceeding ten, or
- (2) in bonds either negotiable or not negotiable carrying interest at the rate of $2\frac{3}{4}$ per cent and of guaranteed face-value maturing within a period not exceeding ten years.

Provision is made for interim payment of compensation equal to $1/10$ th of the estimated amount of compensation if compen-

sation is not paid within a period of six months from the date of vesting.

On the application from the inamdar, the Collector has to hold formal inquiry to assess and award compensation. The Collector is empowered to apportion compensation amount amongst the inamdar and any other persons whose rights or interests have been vested in Government. Besides, he has to consider the claims of secured creditors at the time of awarding compensation.

An appeal against the Collector's orders in the matter of compensation (or occupancy rights or right to any building or inam land put to non-agricultural use) lies to a Special Tribunal consisting of an officer of a rank not less than that of a District Judge. The appeal is to be preferred within a period of 30 days from the date of decision. If anybody is aggrieved by the Collector's order under section 18(1) regarding notice to the persons interested in compensation or any decision of the Special Tribunal may within three months from the date of order, appeal to the High Court. Further, the Act provides for revision applications to the High Court against certain orders of the Collector or the Special Tribunal on the ground of material irregularity or exercise of jurisdiction not vested in it by law or failure to exercise jurisdiction so vested.

(d) *The Special Features of the Act:*

The provisions of the Act require to be distinguished from the general pattern of the Abolition Acts in Bombay. Such features are set forth below:

The Bombay Acts

1. The Acts generally do not provide for making tenants as occupants of the lands held by them and where such a provision is made, occupancy price equal to six times the assessment of the land is charged irrespective of the class of the land.

2. The Acts do not affect the holder's rights to forests, mines and minerals.

The Hyderabad Abolition of Inams Act

The Act provides for making all categories of tenants as occupants on payment of a premium varying from 9 to 60 times the assessment, with separate multiples for the dry and wet lands. The multiples for the dry land is roughly three times the multiple for the wet land.

The Act abolishes all such rights.

*The Bombay Acts**The Hyderabad Abolition of Inams Act*

3. They do not impose any ceiling on the holding in conferment of occupancy rights. No ceiling is imposed on the existing holdings.

The holding in respect of which occupancy rights are recognised is limited to $4\frac{1}{2}$ times the family holding. The ceiling of $4\frac{1}{2}$ family holdings is imposed on the existing holdings.

4. (a) The compensation provisions do not provide for compensation for resumption of nuksan.

It does provide compensation at 20 times the nuksan. The compensation provisions may be said to be more liberal than those in the Bombay Acts.

(b) Generally, compensation is payable in negotiable bonds bearing interest at 3% from the date of issue of the bonds payable during a period of 20 years.

It is both payable in cash and bonds bearing interest at $2\frac{3}{4}$ % from the date of vesting maturing within a period not exceeding ten years.

(c) There is no provision for interim payment of compensation.

There is such a provision.

(d) The Acts do not provide for any appeal against the Bombay Revenue Tribunal's decision or order.

It provides for an appeal to the High Court against the order of the Collector or the Special Tribunal.

2. CASH GRANTS

(a) *Introductory:*

Like the inam grants, there were certain cash grants held by Sardeshmukhs, Sardespandes, Deshmukhs, Deshpandes, Dastbandars, etc. These cash grants have a long and curious, and to some extent, confused history. In the third quarter of the last century Sir Salar Jung I, the then Prime Minister to the Nizam, abolished the hereditary Watandari system of Deshmukhs and Deshpandias which had originated under the Maratha rule for collecting land revenue. The Deshmukhs used to retain five per cent and the Deshpandias two and a half per cent, of the land revenue collected. Even after the abolition of this system, the Deshmukhs and Deshpandias used to get the same

percentage from the Government. Sir Salar Jung I slightly reduced these amounts and paid them as revenue under an order in the year 1868. These Rusums or cash grants continued to the present day until they were abolished by the Hyderabad Government without any compensation in 1952.

Of the second category *Mansab Maviza* jagirs were cash grants made over to persons in lieu of the resumption of their jagirs on various grounds at different times. *Mansabs Imtiazis* were granted to persons retrenched from the irregular forces of the State in recognition of exceptional valour shown in war. *Yumia Fulusi* were special pensions granted by different rulers on the days of their accession as a sort of daily allowance. Though they were meant for the lifetime of the grantees, they had continued for three generations. Jagir pensions were like the Mansabs made in lieu of Jagirs taken over by the Government and were treated as such. *Walajahi Mahawarat* were pensions granted in Sir Salar Jung's time to the members of the Walajahi dynasty of the Nawabs of Arcot and their descendants on the recommendations of the Government of India. These *Mahawars* as a whole have been held to be heritable. *Maashes* pertaining to customs, *Mokasa* and *Agrahar* were classed with *Madad Maash* (maintenance) grants and conferred in perpetuity at the time of the Inam Enquiry in the year 1876. *Yumiyas* were originally purely charitable grants. Yet they managed to survive for a century. *Mamools* and *Saliyanas* were lump sum grants issued for religious purposes or to religious institutions such as mosques, temples and darghas in lieu of lands or Jagirs which were resumed by Sir Salar Jung. Ordinary *Mansabs*, *Mahawarat Khas*, and *Mahawarat Raiyati* were usually grants to destitute or disabled persons by the rulers and were not heritable.

(b) *The Hyderabad (Abolition of Cash Grants) Acts, 1952 and 1954:*

In order to resume all such grants, the Hyderabad (Abolition of Cash Grants) Act, 1952, was enacted. It came into force on the 1st April 1952, on which it was published in the State Gazette. The Act has since been amended twice in 1954 and 1956. It was applied to the cash grants shown in Parts A, B and C appended to the Act, viz.,

Part A:

Rusums payable to—

(1) Sardeshmukhs,

- (2) Sardeshpandes,
- (3) Deshmukhs,
- (4) Deshpandes,
- (5) Dastbandars.

Part B:

Mansab Maviza Jagir including Jagir Pension,

„ „ Qarza,

„ „ Arazi,

„ „ Abkari,

„ „ Sair,

„ „ Aslahe, Kutub, Dookan, Safai, Imtiaz.

Nazam Mahwers.

Mahwarat Walajahi issued in lieu of Jagirs.

Part C:

Ordinary Mansabs, Riayati, Khas and Musaferiq, Mahwars, Mash, Youmia, Mamool, Sahyana, Customs and Agrahars, Mahwarat, Malajahi (other than those issued in lieu of Jagirs), Tahrir Sarishtadari, Wiqai Nigari.

The cash grants shown in Part A have been discontinued with effect from the 1st April 1952 without payment of any compensation to the holders thereof. The cash grants shown in Parts B and C have been discontinued with effect from the 1st July 1954 subject to payment of compensation as follows: For the resumption of cash grants in Part B of the schedule, compensation equal to six times the annual amount payable to the grantee is payable in cash either in full or in annual instalments not exceeding twelve. However, as regards cash grants shown in Part C, in respect of the cases specified in column 1 below, the grant shall be continued subject to the conditions specified against each case in column 2, viz.,

*Column 1**Column 2*

(1) When the age of the grantee whether male or female, was not less than 60 years on the 1st April 1954.

Till the date of death of the grantee.

(2) When the age of the grantee was less than 60 years on the 1st April 1954—

- (a) if male, in case the grantee is incapable of earning a livelihood on account of being blind, deaf, dumb and mute, mentally deranged, crippled or paralytic,
- (b) if a widow, so long as she remains a widow.

From the date of abolition till the date of the death of the grantee.

*Column 1**Column 2*

(3) Where the grantee is a minor—

(a) if male, in case such cash grant is his only source of income, From the date of abolition till date of attainment of 18 years.

(b) if female From date of abolition till date of marriage or date of attainment of 18 years, whichever is earlier.

The continuance of these grants in items (2) and (3) above is subject to the condition that where the grantee is in receipt of more than one grant, but has no other source of income for his livelihood, the grantee shall be eligible to receive only the grant of the highest amount.

In short, the cash grants which were held by Deshmukhs, Deshpandes and other Paragana watandars (Part A) have been resumed outright without payment of any compensation; whereas those shown in Part B have been resumed on payment of six times the amount of the grant as compensation. And those shown in Part C which were in the nature of the life-grants, have been continued for the lifetime, till marriage or the grantee attaining majority.

In Bombay, we have seen that for resumption of cash allowances, the Abolition Acts provide payment of compensation at the following rates:

- (1) 7 times the amount of cash allowance, if the grant was hereditary and not subject to any cut,
- (2) 5 times the amount of the allowance, if it was hereditary but subject to any cut, and
- (3) 3 times the amount of the allowance, if it was lifetime.
- (4) In the case of the miscellaneous alienations of the merged territories only, an exception is made and cash grants are continued for the lifetime or minority of the holders.

The compensation for items at (1) to (4) except the miscellaneous alienations is payable in transferable bonds.

The provisions of the Hyderabad Cash Grants Act differ in that no compensation is provided for resumption of grants to persons in Part A, at six times the amount to the holders in

Part B and more or less on similar conditions to those in Part C. Topping all, the compensation is payable in cash for all the categories and not in transferable bonds.

The Act is not applicable to those cash grants which are subject to the rendering of service to religious or charitable institutions, and these amount to about Rs. 1.35 lakhs and will continue in future also.

The net result of the Amendment Act, 1954, is that cash grants to the extent of Rs. 28 lakhs were abolished without any payment to their holders. Persons entitled to compensation under the Act number 1,867 and their annuity works out to Rs. 5.42 lakhs. The State has thus to pay a total compensation to the tune of Rs. 32.5 lakhs to these persons and the yearly financial burden on the State Exchequer would be Rs. 2.7 lakhs for twelve years.

3. THE JAGIRS

(a) *Introductory:*

In Hyderabad, the State Government appointed the Jagir Commission in 1947 under the chairmanship of Sir Albion Rajkumar Banerji in order to inquire into the rights and responsibilities of the Jagirdars. The Commission observed that the jagirs of Hyderabad were grants of revenue only, and the jagirdars had no right to the soil. The recommendations of the Commission were halting because they aimed at safeguarding the vested interests. No action was taken even to implement its modest recommendations. There were six kinds of jagirs, viz.—

- (1) *Paiga* or *Jamiat jagirs* were assigned by the Rulers for maintenance of paiga (stables) or troops.
- (2) *Altamga jagirs* were revenue-free grants made under the royal seal. They were perpetual and hereditary, but the rights therein were not transferable by sale, gift or bequest.
- (3) *Zat-jagirs* were grants of large areas of land for the maintenance of the grantee without stipulation of service.
- (4) *Tankha-jagirs* were grants of land made to meet the salaries due to the grantees for the services rendered. A large number of them was either resumed or redeemed.
- (5) *Mashrooti jagirs* were grants for performance of religious, civil or military service and were continued so long as conditions of the grants were fulfilled.

- (6) *Madad-maash* jagirs were solely granted for the maintenance of the donee or for supplementing the means of livelihood.

The above jagirs comprised 6,535 villages and formed 30.9% of the total area of the State. At the time of the abolition of jagirs in 1949, the survey and settlement was introduced in 5,398 villages out of 6,535 villages. The lands in the jagiri villages were held on the ryotwari system. The position of tenants in these villages was not secure, although the jagirdars were only the assignees of land revenue.

In addition to the right of collecting land revenue, the jagirdars had jurisdiction over excise, forests and fisheries within their jagirs. Most of them exercised judicial and police powers also. Those powers were gradually curtailed and finally extinguished in 1947 as a first step towards implementation of the recommendations of the Jagir Commission.

(b) *The Hyderabad Abolition of Jagirs Regulation, 1949:*

The Hyderabad Abolition of Jagirs Regulation, 1949, has been enforced with effect from the 15th August 1949. It does not affect the personal property of the jagirdars, and hissedars and their home farms or any liability of a jagirdar or hissedar in respect of any loan taken from Government. It does not affect the home farm (*seri khudkasht*) of a jagirdar or hissedar. The forest or waste lands are not to be included in the home farm. The extent of the home farm is to be determined by the Jagir Administrator. In order to minimise the hardships of the jagirdars, provision has been made for allotment of *khudakasht* lands to them. The lands are to be granted on a sliding scale. However, in no case, the *khudkasht* lands are to exceed 500 acres. The lands are to be allotted from the waste and other lands and if need be, by dispossessing the tenants.

(c) *Occupancy Rights:*

Most of these jagiri villages are surveyed and settled. The lands are held on the ryotwari system. Although the jagirdars were theoretically the assignees of land revenue, the cultivators in many jagirs were treated as tenants-at-will, and in some, *nazarana* was charged in granting *patta* (occupancy right). Ejectment of old tenants was not uncommon. In order to remedy this state of affairs, the Land Revenue Act was amended in 1946. Accordingly, all the cultivators, who were responsible to the jagirdar for payment of land revenue, were deemed to be *pattadars* (occupants) irrespective of the fact whether their

names were or were not entered as such in the jagiri records.¹ For these reasons, the Hyderabad Regulation makes no provision for conferring the pattadari (occupancy) rights on the cultivators.

(d) Compensation Pattern:

The Regulation applies to any jagir granted to a temple or mosque or to any institution established for a religious or public purpose. But the payment of the gross revenue to Government as management is not to exceed 10% of the gross revenue. The Regulation has an entirely different compensation pattern. It provides for the appointment of a Jagir Administrator. From the jagir income, he has to deduct the expenses of administration on a sliding scale ranging from 25% to 58 $\frac{1}{3}$ % for the income varying from Rs. 25,000 to Rs. 5 lakhs or more. Out of the balance, he makes payments according to the classification of jagirs as follows:

<i>Class of jagir</i>	<i>Amount payable as Compensation</i>
(1) Jagirs in which a jagirdar exists and is entitled under the existing law to receive the haq-e-intazam. ²	(1) A sum equal to half the haq-e-intazam to the jagirdar and a like sum may be distributed amongst the hissedars.
(2) Jagirs in which a Jagirdar exists but is not entitled under the existing law to receive the haq-e-intazam.	(2) A sum equivalent to the haq-e-intazam is to be distributed between the jagirdar and hissedars in proportions fixed under the law.
(3) Jagirs where the death of a Jagirdar was not followed by the appointment of a jagirdar before the commencement of this Regulation.	(3) A sum equivalent to the haq-e-intazam to be distributed between the hissedars including the heirs of a jagirdar in proportions already fixed.
(4) Jagirs in which a jagirdar dies before the commencement of the Regulation.	(4) A sum equivalent to haq-e-intazam is to be distributed between hissedars including the heirs of the deceased in proportions already fixed.

¹ Report of the Hyderabad Agrarian Reforms Committee, 1949, pp. 8-9.

² The term Haq-e-intazam is defined as "the money which under the existing law is paid to the jagirdar as his remuneration for managing the jagir".

From the net income payable as above, the amount on account of maintenance allowance is payable *pro rata* to the dependants. The amounts payable to jagirdars and hissedars under the Regulation are deemed as interim maintenance allowance payable until such time as the terms for the commutation of jagirs are determined. In the case of a jagir other than a Paigha, the net income is to be distributed between the jagirdar and hissedars in proportions fixed under the law. In the case of the Paigha, however, $\frac{2}{5}$ th of the net income is payable to the Amir-e-Paigha and the remaining $\frac{3}{5}$ th is to be distributed amongst the hissedars according to their shares. The Hyderabad Jagirs (Commutation) Regulation, 1950, was passed with a view to terminating the interim allowances payable under the Jagir Abolition Regulation, 1949, and for determining the terms of commutation. Accordingly, the commutation amount payable to Jagirdars and hissedars is based on the audited figures of 10 years' gross revenue from 1938 to 1947. The said amount is arrived at by multiplying the 'basic annual revenue' by a figure varying from 10 to 30 according as the said revenue was more than Rs. 2 lakhs or Rs. 2,000 or less. The commutation sum will be of the order of Rs. 15.18 crores. The compensation is payable in 10 or 20 equal instalments according to the quantum of commutation amounts for annual revenue.

The Regulation was brought into force with effect from the 15th August 1949. Press reports indicate that the commutation sums amounting to Rs. 495 lakhs have been distributed amongst the jagirdars and estate holders numbering more than 10,000 persons. The major portion is being paid in cash and the remainder in Government security bonds. By now the interim payments might have been completed.

A party aggrieved by any order passed by the Jagir Administrator under this Regulation may appeal within a period of 60 days against the order to Government or to such authority as Government may appoint in this behalf.

(e) The Special Features of the Regulation:

The provisions of the Regulation differ from the Bombay Jagirs Abolition Act, 1953, in the following material particulars:

<i>Bombay Act</i>	<i>Hyderabad Regulation</i>
(1) Broadly, the Act classifies the jagirs into proprietary and non-proprietary.	(1) Since the Jagirdars were entitled to the revenues only from the villages, all the jagirs were non-

Bombay Act

- (2) (a) The compensation provisions vary according as the jagir was proprietary, non-proprietary or life-time.
- (b) The Act does not provide for payment of maintenance allowance to a Guzaryab.
- (3) In the case of jagirs held by religious or charitable institutions, only the jagir element is abolished but the exemption from payment of land revenue is continued.
- (4) Compensation is payable in transferable bonds only.
- (5) The lands held by Jagirdar after resumption may include forest, if they originally belonged to him.

Hyderabad Regulation

- proprietary and no distinction was required to be made. The jagirs are classified, however, for the purpose of payments from the balance of revenue after deducting the management charges.
- (2) (a) The provisions for compensation vary according as the Jagirdar exists or not and is entitled to haq-e-intazam or not. In short, the Regulation provides compensation on the basis of the Jagirdars' existence and his right to receive haq-e-intazam.
 - (b) The Regulation does provide for this.
 - (3) The Regulation abolishes such jagirs but concession is given in the percentage of gross revenue payable to Government which is not to exceed 10% of the same, and the distribution or application of the net income thereof is to be made according to the wishes of the grantor or custom and usage of the institution.
 - (4) It is payable in cash only.
 - (5) The home farms are not to include forest.

CHAPTER 16

THE TENANCY PROBLEM: GUJARAT AND MAHARASHTRA

1. *Introductory:*

Agricultural tenancy is a feature of the land system in many under-developed countries. The proportion of tenants to the number of owner-cultivators varies widely from one country to another. Tenancy is not in itself an unsatisfactory form of tenure, provided rents are not excessive and the security of tenure is safeguarded by legislation. Unfortunately these conditions are sadly lacking in under-developed countries.

The rents are generally payable in various forms, in money, produce and labour. In India, the general system of rent has been of a proportionate produce or share rent from the gross crop. The proportion is fixed either by custom or legal agreement. It varies according to whether a landlord provides the land only or whether he provides seed, water and plough cattle. It varies also according to local conditions and is higher where population pressure is greater. Although there is much variation in practice, the general level of rents in India has been half the produce to the landlord and half to the cultivator who provides his own labour and bullocks. Where payment of rent is made on a fixed cash basis, the entire burden of risk of cultivation is shifted to the tenant-cultivator. Cash rents are not, however, a general feature of tenancy in under-developed countries but are found in certain regions and that too for special crops only. In practice, such rents have been extremely high.

As regards tenure, prior to 1938, the tenants held the tenancy on a customary basis with no legal agreement to define their rights and responsibilities. Great insecurity characterized the conditions of tenancy. In this background of the problem, the tenancy system was a great obstacle to economic development in three ways: firstly, the tenant had little incentive to increase output; secondly, the high share of produce taken by the landlord left the cultivator with a bare subsistence minimum; and thirdly, it meant that wealth was held in the form of land and that accumulation of capital did not lead to productive investment. Under these conditions the existence of large-scale pro-

perty ownership did not secure any of the advantages of large-scale operation or investment.¹

Tenancy Problem in Gujarat and Maharashtra:

During the British regime, the tenancy laws were enacted particularly for the Zamindari areas of Bengal, Uttar Pradesh, etc., not for safeguarding the rights of tenants but for safeguarding the revenue of Government. Really speaking, the tenancy legislation for both the Zamindari and ryotwari areas was undertaken only after the Congress Ministry assumed office in 1937. Prior to this, in the Bombay State, the tenancy conditions set forth above generally prevailed. But the said problem for the Gujarat region differed from that obtaining in other parts of the State particularly because of the preponderating existence of several inam and non-ryotwari tenures and the interspersing of the former princely States and estates. In the pre-merger Bombay State, some uniformity prevailed in the custom and usages regarding rent and other cesses. But there was great diversity of tenancy conditions in the areas now called merged territories. The element of labour or service was implied or inherent in the conditions of the tenancy. The rent was generally paid in crop-share which was normally one-half.

Besides, the great pressure of population in the central Gujarat districts, the excessive dependence of the greater portion of population on land and the absence of diversification of occupation in the rural areas made the landlords to exact higher rents and cess and forced labour. In Maharashtra and Gujarat, crop-share rents were the rule and the cash rents were the exception. The tenancies were generally annual and there was no law preventing a landlord from evicting his tenants. Although in several cases, tenancy was continued from father to son, the tenants were generally tenants-at-will. The tenancy conditions became harsh and oppressive in the areas covered by the inam and non-ryotwari tenures.

This is the background of the tenancy problem in Gujarat and Maharashtra. The basic idea in the tenancy and other agrarian reforms is the transfer of ownership rights from those not working on the land to those doing so and the resultant redistribution of income in the agricultural sector.

The total tenancy problem for Gujarat and Maharashtra may be divided into the following periods:

¹ U.N. Land Reform. Defects in Agrarian Structure as Obstacles to Economic Development, p. 58.

- (1) the pre-legislation period (before 1939);
- (2) the Bombay Tenancy Act, 1939 period (1939-47);
- (3) the Bombay Tenancy and Agricultural Lands Act, 1948 period (1948 to 1956); and
- (4) the Land to the Tillers Act period (1957 onwards).

(1) *The Pre-legislation Period (before 1939):*

In Bombay, there was no special tenancy law regulating the relations between landlords and tenants because such relations were mostly governed by mutual contract or local usage and custom. Although the conditions of agricultural tenancy varied from region to region in the Bombay State, the British Government took no notice of the regional variations; but laid down the general law as contained in the provisions of section 83 of the Land Revenue Code. And this single section constituted the tenancy law of the Bombay State for 60 years. According to that section, the land could be held as a tenant on payment of (1) agreed rent or services, (2) rent payable or *services renderable by custom*, and (3) in the absence of both, just and reasonable rent. Section 83 read with section 84 recognised only permanent and annual tenancies. The protected tenancy was then not contemplated at all. Further, the concept of rent included an element of *service* to the landlord. The scales of law weighed heavily in favour of the landlord in that it permitted the landlord by virtue of agreement, usage or otherwise, to enhance the rent or service renderable by a tenant, to evict him for non-payment of rent or non-rendition of services originally fixed or enhanced. The landlord could terminate for any reason the annual tenancy by giving a three months' notice to the tenant. Further, the tenant was eligible to the grant of corresponding suspension and remission of land revenue, when the landlord was given such relief by Government in the event of natural calamities.

(2) *The Bombay Tenancy Act, 1939 period (1939-1947):*

This was the state of the tenancy law before the Congress Ministry assumed office in 1937. In several Congress manifestoes, the Congress had promised to remedy the conditions of the tenants. When the Congress Ministry came into power in 1937, it took up the question of tenancy reform with the result that the Bombay Tenancy Act, 1939, was enacted. For the first time, it added a category of 'protected tenant' to the categories of permanent and annual tenants with a view to security of

tenure and as a preliminary step towards conferment of the occupancy status. The concept of protected tenancy covered those tenants who held land continuously for a period of not less than six years immediately preceding the 1st January 1938. Thus, the concept of a tenant-at-will was abolished. The Act gave to the tenants for the first time a fixity as to tenure, rentals, house-sites, right to trees, protection from eviction, etc. The rent was fixed at $\frac{1}{4}$ th and $\frac{1}{3}$ rd in the case of irrigated and non-irrigated crops, respectively. As an experimental measure, it was first applied in Gujarat to the district of Surat and the partially excluded areas and the districts of Thana, West Khandesh and partially excluded areas of Maharashtra, and after gaining some experience, was to be extended to other parts of the Bombay State. When the Congress Ministry came into power in 1946, the Act was applied to the whole State including Gujarat and Maharashtra. In the administration of the Act, some practical difficulties were noticed. In order to remedy them, a new comprehensive legislation called the Bombay Tenancy and Agricultural Lands Act, 1948, was passed. It retained the beneficent provisions of the Act of 1939 and added others.

(3) *The Bombay Tenancy and Agricultural Lands Act, 1948 period (1948-1956):*

The objectives of the legislation had been the settlement of landlord-tenant relations and efficient cultivation of land with the ultimate aim of establishing peasant proprietorship in the State by gradual process of evolution. The relations between the landlords and tenants were sought to be settled by—

- (1) giving the tenants fixity as to tenure, trees, rental and house-sites;
- (2) providing commutation of crop-share into cash;
- (3) abolition of various cesses, haks, etc., of an obnoxious nature, etc.

The efficient cultivation of land was sought to be achieved by—

- (1) prohibiting sub-letting or sub-division;
- (2) encouraging joining of co-operative societies;
- (3) assuming management by Government of land-holders' estates in the case of disputes between the land-holders and tenants or for ensuring fuller utilization of lands;
- (4) prohibiting transfer of agricultural land to non-agriculturists and determining priorities in the matter of transfer of lands;

- (5) *enabling a protected tenant to purchase land from the land-holder at a reasonable price payable in instalments;*
- (6) assuming management of land lying uncultivated for any two cultivating seasons;
- (7) acquiring any estate or land under management; and
- (8) restricting resumption of land held by a protected tenant for personal cultivation or non-agricultural use by a land-holder.

The Act recognised three categories of tenants only, namely—

- (1) permanent tenants;
- (2) protected tenants; and
- (3) ordinary tenants for 10 years.

Certain tenants cultivating lands continuously for a period of not less than 6 years immediately before the 1-1-1938 or 1-1-1945 specified in the Act were recognised as protected tenants and were given special rights to purchase land at a reasonable price to be determined by the Tribunal. The price was generally to be the market value of the land and was payable in lump or in instalments not exceeding 10 within a period of 15 years. Special provision had, however, been made for fixing the amount of maximum price in the case of tenants belonging to Scheduled Castes and Scheduled Tribes. However, this right to purchase landlord's lands was subject to the following conditions:

- (a) if such a tenant did not hold arable land as owner, he could purchase land to the extent of 50 acres;
- (b) if he held any arable lands as owner, he could purchase land upto a limit which would make a holding of 50 acres;
- (c) but in this process of purchase, the total arable area remaining in the ownership of the landlord was not to be less than 50 acres.

This right to purchase was given to the protected tenants only. Such tenants had a right to exchange their tenancies. And this tenancy right was heritable also.

A landlord's right to terminate the tenancy of such tenants was circumscribed. A landlord could resume land only for either making non-agricultural use or personal cultivation. A landlord could not resume land for personal cultivation by terminating the protected tenancy—

- (1) if he had been cultivating personally other land measuring 50 acres or more; but if the land so cultivated was less

than 50 acres, he could resume the land so as to make up the holding of 50 acres;

- (2) if such a tenant had become a member of a co-operative farming society;
- (3) if the income by the cultivation of such land was not the main source of income of the landlord for his maintenance; and
- (4) if the said land did not stand in the name of the landlord on the 1st January 1952 as a superior holder.

In addition, the amended section 34 introduced for the first time a new concept of "agricultural holding". It meant 16 acres of jirayat land or 4 acres of irrigated or paddy or rice land or land greater or less in area than the aforesaid areas in the same proportion. Specific provision had been made regarding the extent of the agricultural holding which could be resumed for personal cultivation. It was notified that under section 34, a limit of 50 acres should be equivalent to $12\frac{1}{2}$ acres of paddy or bagayat land. Government was, however, empowered to reduce the limit of the maximum acreage of 50 acres in the case of individuals. This step had been taken in order to check the landlord's tendency to recover the best kinds of land from tenants under the pretext of personal cultivation. If the landlord failed to cultivate the land personally within one year of termination of the tenancy, it was to be restored to the evicted tenant. If any improvements were effected by such a tenant, he was entitled to compensation on the termination of the tenancy.

From 1953, the rent was gradually reduced and the maximum rent was fixed at $\frac{1}{6}$ th of the crop or its value, irrespective of the fact whether lands were irrigated or non-irrigated. The maximum rent fixed in certain scheduled areas was as under:

- (a) (1) in the case of lands on which assessment exceeding Rs. 4 per acre was levied or leviable according as the lands were fully assessed or were totally or partially exempt from the payment of assessment, a rate equal to 5 times the assessment; and
- (2) in the case of lands on which assessment exceeding Rs. 4 per acre was levied or leviable a rate equal to $2\frac{1}{2}$ times the assessment or a rate equal to Rs. 20 per acre, whichever was more; and
- (b) $\frac{1}{6}$ th of the crop or its value was the maximum rent payable by tenants of lands generally.

According to the inquiries made in 1951-52, different categories of tenants and owner-cultivators were as under:

Category of holders	Total No. of holders	Percent- age of the total holders	Total acre- age	Percent- age of area held
(1)	(2)	(3)	(4)	(5)
Owner cultivators	30,69,123	55	2,59,85,610	65
Permanent tenants	3,12,783	6	85,07,379	21
Protected tenants	16,68,340	30 } 45	22,43,257	5
Ordinary tenants	4,98,234	9 }	35,12,048	9
Total number of holders ..	55,48,480		4,02,48,294	

These statistics for the whole of Bombay State are approximate and should serve to show only the trends of the tenancy conditions. It appears from the above statement that amongst the tenants, the percentage of protected tenants (30%) was the highest and that in all 45 per cent of the holders of the lands required to be up-graded to the status of occupancy.

The State Government considered that the provisions of the existing Tenancy Legislation of 1948 as amended from time to time were not enough to meet the situation. It is true that in Bombay, the State ownership of land has been the predominant feature of our revenue system and even those who hold land in their own rights do so *as occupants* and *not as proprietors*. Thus, we have already an important principle of socialism in practice. However, the administrative practices of the bygone days and the occupants' rights resulted in uneven distribution of land to such an extent that in 1955, about 35 lakhs of people held an area of 157 lakhs of acres in the Bombay State, i.e. an average of 5 acres per person in the lower groups of holdings. Further, $\frac{3}{4}$ th of the landholders had about 40% of the entire occupied land.

Besides, there is a tremendous pressure of population on land. Out of the total population of 36 millions in the Bombay State, 21.6 millions live on agriculture. Out of them, a considerable portion of the landholders do not cultivate lands personally.

Further, under the enabling legislation of 1948, the protected tenants were given a right to purchase lands but the response had been poor due either to inadequacy of finance or to the

proverbial pathetic contentment. In this background, Government took up the question of compulsory purchase of the tenanted lands on the assumption that unless the tenants were forced to purchase the lands under their cultivation, the question of tenancy would not be solved. In view of these considerations, *inter alia*, Government sponsored a comprehensive amendment to the Tenancy Act of 1948 in the autumn session of 1955.

As explained by the Revenue Minister, the objective of the legislation is not to put more people on land but try to divert the surplus population to more remunerative channels and thereby to increase the income of the cultivator by increasing his holding.

At the time of introducing the Bill in the State Legislature, the Revenue Minister expressed his hope that the Bill "will affect the lives and fates of millions and will divert the channels of village economy into fruitful and productive lines. It will ensure for the agriculturists something of a living wage. It will bring hope to the landless or the partially landless and provide for reasonable means of their subsistence. . . . It gives him (the tenant) a dignity and status which he never possessed before. He will be able to breathe his native air in his own ground. His wish and care would be confined to his own few acres. . . . Whether we shall succeed partially or wholly is in the lap of future, but success will come to us eventually on the lines laid down in the Bill".

(4) *The Land to the Tiller Period (1957 onwards):*

As a keystone to complete the arch of the land reforms legislation and to implement the recommendations of the Planning Commission, the State Government undertook a comprehensive amendment of the Tenancy Act in 1955, with the result that the Bombay Tenancy and Agricultural Lands (Amendment) Act, 1955, was enacted and enforced with effect from the 1st August 1956.

The Amending Act does not aim at mere regulation of the relations between landlords and tenants but provides for the tillers' day on which tillers in the occupation of lands would, with certain exemptions and subject to certain conditions, become the occupants of the lands. This Act takes positive steps towards achieving the goal of all the land reforms in the State, namely, the land to the tiller. Besides, it makes more important changes in the matter of rent payable by the tenants to the

landlord, imposes certain ceiling limits on the areas of holdings, provides for the introduction and maintenance of the Record of Rights relating to dwelling houses, house-sites of tenants, agricultural labourers and artisans, etc. In brief, it makes far-reaching changes in our Tenancy Law regarding the occupancy rights of tenants, the duty of self-cultivation and redistribution of surplus or inefficiently cultivated land among the needy and the landless and enables them to acquire their dwelling house-sites.

Important Features of the New Law:

Although the scope of the law has remained unaltered, changes have been made in the provisions of the old law in such matters as rent, termination of tenancies, inheritance of tenancy rights, etc., and new provisions such as those in regard to economic holdings, ceiling areas, purchase of land by tenants on the Tillers' Day, construction of water courses through the lands of others, etc. have been added. These changes constitute the important features of the new law. The minor and major changes are briefly summarised ² below:

Minor changes:

- (a) Allied pursuits.
- (b) Backward areas.
- (c) Personal cultivation.
- (d) Surrender of tenancies.
- (e) Prohibition on sub-letting or sub-division of land.
- (f) Inheritance of tenancy rights.
- (g) Construction of water-course through land of another.
- (h) Dwelling house-sites—
 - (i) Purchase by tenants, agricultural labourers or artisans, and
 - (ii) Record of Rights of such houses and sites.

Major changes:

- (i) Protection to tenants.
- (j) (i) Rent,
 - (ii) Liability to pay land revenue.
- (k) Termination of tenancy by landlords and Government.
- (l) Economic holding and ceiling areas and their operation.

² Pamphlet: "The New Tenancy Law" published by the Bombay Government (1956).

- (m) Tillers' Day (compulsory purchase of leased lands).
- (n) Disposal of land.
- (o) Exemptions.

(a) *Allied Pursuits:*

The expression "allied pursuits" to agriculture was not distinguished under the old Act. But in the new Act, allied pursuits have been distinguished from proper agricultural pursuits. The definitions of the terms "agriculture" and "land" have been suitably altered and the expression "allied pursuits" has been separately defined to mean dairy farming, poultry farming, breeding of livestock, grazing and such other pursuits as prescribed by the Tenancy Rules, viz. wool-making, oil-pressing by ghanis, by human or animal agency, rope-making, hand-spinning of yarn or hand-weaving of cloth or both, gurm-making, etc.

According to section 2(8), certain provisions of the Act apply to the sites of structures used by agriculturists for allied pursuits. As a result, agricultural pursuits separately get a measure of protection.

(b) *Backward Areas:*

The backward area includes a scheduled area mentioned in paragraph 6 of the Fifth Schedule to the Constitution of India. Besides, it includes any area declared by the State Government to be a backward area because of its being predominantly populated by people who are from socially, economically and educationally backward classes. For varying the normal limits of economic holdings and ceiling area, the State Government should have regard to the fact that the land to which the limits are to be applied are located in backward area. (Section 7.) Similarly, the State Government is empowered to prescribe different maximum and minimum limits in regard to occupancy price to be fixed for any lands held by tenants in backward area. [Section 37-H(2).] Furthermore, the tenants in the scheduled areas have been exempted from the general rule that tenants and not occupants should be primarily liable to pay land revenue, irrigation cess and local fund cess as provided in sub-section (1) of section 10-A.

(c) *Personal Cultivation:*

The definition of the expression "to cultivate personally" has been amended in order to impose restrictions of situation and

formation on the lands which can be deemed to be cultivated personally, when the area under personal cultivation is in excess of twice the ceiling area. These restrictions are that the land which is to be deemed to be cultivated personally should either be situated in one village or should form one compact block or no piece from such land should be separated from another by a distance of more than five miles. The holdings under personal cultivation should be so situated that they should be within a circumference of five miles' diameter between the two farthest pieces. In short, the object is to provide a standard for personal supervision which is an indispensable condition of personal cultivation.

(d) *Surrender of Tenancies:*

The right of a tenant to surrender his tenancy in favour of his landlord at any time is recognised. But in order to prevent the coercion by the landlord on the tenant, the law provides that the surrender of tenancy shall be in writing and shall be verified by the Mamlatdar by satisfying himself after such inquiry as he thinks fit, that the tenant understands the nature and consequences of the surrender and also that it is voluntary. (Rule 9 of the Tenancy Rules of 1956.)

Further, in the event of such surrender, the landlord is entitled to retain with him only so much of the surrendered land as he would be eligible to get, had he terminated the tenancy of that tenant on the ground of personal cultivation or for non-agricultural use and the balance of such surrendered land becomes available to the Collector for disposal to other persons. [Sec. 15(3) read with Sec. 32-P.] The result is that if the landlord at the time of surrender of lands cultivates personally his own or leased lands in excess of the ceiling area, he would not be entitled to retain any of the surrendered lands. Further, if the income by the cultivation of the surrendered land does not form his principal source of income, the landlord shall not be entitled to retain any of the surrendered land.

(e) *Prohibition on Sub-letting or Sub-division of Land:*

Sub-division or sub-letting of land held by a tenant or assignment of any interest in land by a tenant is made invalid. (Section 27.) Such an action on the part of the tenant renders his tenancy liable to termination by the landlord under section 14(1); but there are exceptions to these provisions in the cases of the following tenants:

- (1) *Permanent tenants*: if such tenants have already the right of sub-letting or sub-dividing their land or assigning the interest held therein by them, their right remains unaffected;
- (2) *Tenants*: who are widows or minors or persons subject to any physical or mental disability or serving members of the armed forces are allowed to sub-let their lands; because in their case, cultivation of lands through tenants is deemed to be personal cultivation. [section 2(6), Explanation 1];
- (3) *Tenants: who are members of the co-operative farming society*: Such tenant members are permitted to sub-let, assign, mortgage or to create a charge on their interest in the land in favour of the co-operative society. They can also sub-let, assign, mortgage, etc., in favour of a person authorised under section 54 of the Bombay Agricultural Debtors' Relief Act, 1947, in consideration of a loan advanced by him;
- (4) *Surviving members of a joint family or heirs of a deceased tenant*: The surviving members of the deceased tenant and if the deceased tenant was not a member of a joint family, his heirs are allowed to partition and sub-divide the land held on lease by the deceased tenant subject to the following conditions:
 - (a) each sharer shall hold his share as a separate tenant;
 - (b) the rent payable in respect of the land shall be apportioned among the sharers according to the share allotted to each;
 - (c) the area of each share shall not be less than the unit specified by Government under Government Order, Revenue Department, No. 4444/51-F, dated the 20th April 1954. If the area of the share is less than the unit fixed by Government, the land cannot be sub-divided and the sharers have to enjoy the income from the land jointly.

If the area of the share is less than the unit fixed by Government, the land cannot be sub-divided and the sharers have to enjoy the income from the share only.

Besides all tenants in general are given exemption from the operation of the above prohibitions when they are required to get the Tagavi loans or loans from a co-operative society. As a result, the tenants can mortgage or create a charge on their

interest in land in favour of Government or a co-operative society.

(f) *Inheritance of Tenancy Rights:*

Every tenancy is made heritable (section 40). Accordingly, when a tenant other than a permanent tenant dies, the landlord should be deemed to have continued the tenancy on the same terms and conditions on which the deceased tenant was holding it to such heir or heirs of the deceased tenant as may be willing to continue the tenancy. Further, the widow of a deceased tenant is allowed to have a charge for maintenance on the profits of the land which was held by her husband in cases in which she does not inherit the tenancy rights of her husband [section 40(2)].

(g) *Construction of Water-course through Land of another:*

The new law provides for the construction of water courses through the lands of others. If any person desires to construct a water-course to take water for the purpose of agriculture to which he is entitled, but the water-course is to be constructed through any land which belongs to or is in possession of another person and no private agreement in regard to the intended construction is arrived at between these persons, the person desiring to construct a water-course may make an application to the Mamlatdar in the prescribed form (section 66-A). If the Mamlatdar is satisfied that for ensuring the full and efficient use for agriculture, it is necessary to construct a water-course, he will direct the neighbouring holder to permit the applicant to construct the water-course, subject to the conditions mentioned in section 66-A(2).

(h) (i) *Purchase of Dwelling House-sites by Tenants, Agricultural Labourers and Artisans:*

The tenant of the site of a dwelling house built at his expense or at the expense of his predecessor-in-title should be given the first right of purchasing the site in case the landlord wants to sell it (section 17). The tenants are required to give in writing to the landlord the notice of their intention to purchase the site and if the landlord refuses or fails to accept the offer and to execute the sale-deed within three months from the date thereof, the tenant has to apply to the Tribunal for the determination of the reasonable price of the land. The price to be fixed by the Tribunal is not to exceed 20 times the annual rent of the land. These provisions also apply to the dwelling

houses and sites thereof occupied by the agricultural labourers and artisans and lands leased to persons carrying on allied pursuits (section 18).

(ii) *Record of Rights of such Houses and Sites:*

The provisions regarding the introduction of the Record of Rights relating to the dwelling houses and sites thereof of tenants, agricultural labourers and artisans in a village as also to the lands held on lease in a village by persons carrying on allied pursuit are entirely new (section 17-B). The manner in which such record is to be prepared is prescribed in Rule 11 of the Tenancy Rules of 1956.

(i) *Protection to Tenants:*

The expression "protected tenant" has been amended from time to time so as to include in its purview the large number of tenants and in certain respects, e.g. regarding duration of tenancies, rent, etc., special protection, which was originally confined to protected tenants, was extended to all tenants. Under the Amending Act, the expression protected tenant has been retained but all special rights and privileges which were enjoyed by the protected tenants, have been extended to all categories of tenants.

The permanent tenant has been given a statutory recognition for the first time [section 2(10-A)]. The special rights enjoyed by them are as follows:

- (1) A permanent tenant is not liable to be evicted from his land on any of the grounds mentioned in section 14 except in cases in which the conditions of his tenancy allow such an eviction [section 14(2)].
- (2) Like the tenancy of an ordinary or protected tenant, the tenancy of a permanent tenant cannot be terminated by the landlord on the ground that the land held by the permanent tenant is required by him for personal cultivation or for a non-agricultural use [section 31(1)].
- (3) The purchase price to be paid by a permanent tenant for the purchase of the land held by him on the Tillers' Day is to be only six times the rent [section 32-H(1)-(i)]. This purchase price is, however, to be paid in one lump sum and not in instalments, and on failure to pay the same, it becomes recoverable as an arrear of land revenue [section 32-K(1)(i)].

- (4) A permanent tenant is entitled to appropriate to himself, after paying six times the rent of the land, the occupancy price payable for the purchase of the land by the sub-tenant (section 32-I).
- (5) A permanent tenant who has sub-let his land is not entitled to enjoy exemption from the application of sections 32 to 32R (both inclusive) even if his annual income is less than Rs. 1,500 and his leased holding is less than an economic holding (section 88-C).
- (6) A permanent tenant is entitled to the purchase of land under sections 32 to 32-R even if his landlord has an annual income not exceeding Rs. 1,500 and his leased holding is less than an economic holding (section 88-C).

(j) (i) *Rent*:

Under the new law, rent shall be payable annually before the 31st day of May and in cash. But the rent payable by a tenant shall, subject to the maximum and minimum limits stated below, be the rent at the rate fixed by the Mamlatdar, under section 9 of the Act for the class of land to which the land held by the tenant belongs. The maximum and minimum limits of rent prescribed by section 8(1)(b) are as under:

Maximum — Five times the assessment or Rs. 20 per acre, whichever is less.

Minimum — Twice the assessment.

It has, however, been provided that where the amount of twice the assessment exceeds Rs. 20, it shall be twice the assessment, i.e. if the assessment is Rs. 15 per acre, the rent shall be Rs. 30 and not Rs. 20 but if the assessment is Rs. 5 per acre, the minimum shall be Rs. 10 and the maximum Rs. 20 and not Rs. 25.

The Mamlatdar has to fix for each village, group of villages or for any area in such village or group, the rate at which rent should be payable by a tenant for the lease of different classes of land situated in the village or group of villages or area [section 9(1)]. If there is any dispute regarding the class to which the land belongs, the Mamlatdar has to hold inquiries for the settlement of the disputes.

In fixing the rent, the Mamlatdar has to take into consideration the rent prevalent in the locality, the productivity of the lands, prices of commodities and such other factors and the following factors which have been prescribed under Rule 5 of the Bombay Tenancy and Agricultural Lands Rules, 1956:

- (1) the fact that the land is located in a backward area; and
- (2) the standard of husbandry.

The rent so fixed by the Mamlatdar shall continue normally for a period of 5 years but even during this period, the Mamlatdar or the Collector is empowered to revise the prevailing rates of rent. If there is any deterioration of land by flood or other cause beyond the control of the tenant and the land is rendered wholly or partially unfit for cultivation or if any land is improved at the expense of the landlord and the improvement has resulted in an increase in the agricultural produce thereof, the Mamlatdar or the Collector has been empowered to revise the prevailing rates. Till the rates are fixed by the Mamlatdar, tenants shall be liable to pay the rent at the same rate at which they were paying it immediately before the commencement of the Amending Act of 1955 (1-8-1956), subject, however, to the conditions that the rent should not be more than the maximum or less than the minimum rates fixed under section 8 and that if the rent is payable in kind or crop share, it shall be commuted into cash. In cases in which a tenant is entitled under any contract, agreement, decree or order of a Court to pay rent which is less than the maximum or the minimum rent specified in section 8(1), the tenant is liable to pay only that rent. But once the rate of rent is fixed by the Mamlatdar under section 9, the tenant will be liable to pay rent at that rate, even though such rent may be more than what he was paying before the fixation of the rate of rent.

(ii) *Liability to pay Land Revenue:*

As a result of these revised provisions of rent, the landlord is absolved from the liability to make any contribution towards the cultivation of the lands in the possession of his tenant (section 9-B). Consequently, the primary liability to pay land revenue, irrigation cess and local fund cess is shifted from the landlord to the tenant except in the cases of tenants from scheduled areas. Shifting of this liability does not take place in the case of tenants who in the interim period until the rates of rent are fixed by the Mamlatdar are liable to pay to their landlords rent according to the agreement under section 8(3). But once the rates of rent are fixed by the Mamlatdar, these tenants also become liable to pay rent at that rate and consequently become liable to pay the land revenue, local fund cess and irrigation cess (section 10-A). In order that the liability may not entail an unreasonably heavy burden on the tenant, provision has been made that where necessary, rent should be

reduced in such a way, that the total amount of rent, land revenue and local fund cess paid by the tenants should not in any year exceed the value of one-sixth of the produce of the land, i.e. the pre-revision maximum liability under the law.

Failure on the part of a landlord to give receipt to a tenant on payment of rent is now made a cognizable offence [section 81(2)].

The above provisions in the matter of rent also apply to (a) lands held or leased by a local authority or a university, and (b) lands which are the property of a trust for an educational purpose, a hospital or an institution for public religious worship (section 88-B). They do not, however, apply to lease of lands mentioned in sub-sections (1) and (2) of section 43-A, and also to Government and other lands mentioned in sections 88 and 88-A. In the case of lands mentioned in section 43-A(1) and (2), if there is any dispute in regard to the rent payable, the landlord or the tenant can apply for determination of reasonable rent to the Mamlatdar who after enquiry shall determine the reasonable rent after taking into consideration the factors mentioned in section 43-B(3) of the Act.

(k) (i) *Termination of Tenancies by Landlords:*

The tenancy of an agricultural land or of a site of a farm-building appurtenant to an agricultural land becomes liable to be terminated—

- (1) if the tenant commits any of the defaults mentioned in section 14(1); or
- (2) if the landlord required the land held by a tenant for personal cultivation or for non-agricultural use.

None of the above defaults would be a default in the case of a permanent tenant unless the conditions of his tenancy are such as to make it a default rendering his tenancy liable to be terminated for the same.

Before terminating any tenancy for default of any tenant, it is essential that the landlord should have given to the tenant 3 months' notice in writing stating the landlord's decision to terminate the tenancy and the ground for such termination, and the tenant should have failed to take action during the period of the notice to remedy the breach for which his tenancy is proposed to be terminated [section 14(1)(b)]. Similarly, the landlord has to give notice to the tenant if the default relates to an act which is destructive or permanently injurious to the

land (section 24). As regards relief against termination of tenancy for non-payment of rent, the amended section 25 provides that instead of 15 days, three months' time has been given to the tenant to tender to the landlord the rent in arrears together with the cost of the proceedings started by him to eject the tenant from the land from the date of the Mamlatdar's order requiring the tenant to tender these amounts of rent to the landlord. In the case of total or partial failure of crops or similar calamity, the Mamlatdar is empowered to give him a further time of one year. These concessions are not available to the tenants who have committed three defaults in payment of rent and the landlord has given intimation to the tenant about the defaults within three months on each default.

Further, a landlord has been given the power to terminate the tenancy of any land other than permanent tenancy; provided he *bona fide* requires it for personal cultivation or for a non-agricultural purpose and provided the landlord satisfies the conditions mentioned in section 31-A of which the more important ones are as follows:

- (a) the landlord can get back the land from the tenant only to such an extent as to make the total area of the land under his personal cultivation whether as owner and/or tenant equal to a ceiling area;
- (b) the income by the cultivation of the land which he wants to resume from the tenant should be his principal source of income for his maintenance;
- (c) the land leased should stand in his name in the Record of Rights on the 1st January 1952 or should stand in his name or any of his ancestors or any member of his joint family, during the period of 1st January 1952 to 15th June 1955.

If the landlord has once terminated the tenancy of his tenant under the above grounds, he cannot at any time afterwards resume the lands remaining with the tenant on the ground of personal cultivation. Further, the landlord cannot take away from the tenant more than half the area leased to him or to terminate the tenancy of any land in such a way as would result in a contravention of the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, or in making any part of the land leased a fragment within the meaning of that Act. Furthermore, he cannot terminate the tenancy of a tenant who is a member of

a co-operative farming society so long as he continues to be a member of the society.

Before terminating the tenancy of any land required for personal cultivation or for non-agricultural use, a landlord has to give a written notice to the tenant stating the purpose for which the land is required by him, before 31-12-1956, and a copy of such notice is to be sent to the Mamlatdar. The Act does not provide for the period of notice. The application for possession under section 29 has to be made to the Mamlatdar on or before 31st March 1957 [section 31(2)]. But these provisions do not apply in the case of landlords who are minors, widows, persons subject to mental or physical disability or serving member of the armed forces. In the case of these landlords, notices for the termination of tenancies can be given, in the case of a minor within one year from the date of his attaining majority; in the case of a widow, within one year from the date on which, her interest in land ceases to exist; in the case of a disabled person, within one year from the date of the removal of the disability and in the case of a serving member of the armed forces, within one year from the date of his ceasing to be such a member [section 31(3)]. In the case of such landlords, the application under section 29 for possession of the land from the tenant will have to be made before the tenant becomes entitled under section 32-F to the right of purchasing the land under section 32.

(ii) Termination of Tenancy by Government:

Besides the cases of termination of tenancies by the landlords stated above, after 1-4-1957, tenancies will be terminated by the Collector in the following cases:

- (1) tenants entitled to purchase lands having refused to purchase them; and
- (2) the purchases of the lands by tenants having become ineffective (section 32-P).

In the case of sites of dwelling houses built at the expense of the tenants or their predecessors-in-title, tenants occupying them cannot be evicted from them unless the landlords prove that the dwelling houses on these sites had not been built at the expense of the tenants or their predecessors-in-title or the tenants who made three defaults in the payment of rent.

The above protection also applies to the dwelling houses and sites thereof occupied by the agricultural labourers and artisans and to lands leased to persons carrying on allied pursuits.

(1) *Economic Holdings and Ceiling Areas and their operation:*

The problem of leasing raises an important question of the landlord's right of resumption of land for personal cultivation. It, in fact, stems from the general question about the maximum holding which an individual may be allowed to hold. The law relating to the abolition of Jagirs and several other tenures have already reduced to a considerable extent the degree of disparity which existed in the distribution of lands. The principal reason for the adoption of the ceiling is socio-economic. It is obviously unjust to allow the exploitation of any large surface of land by a few individuals unless other overwhelming reasons make this highly desirable. Fixation of the limit is essentially a matter of practical policy. The floor has to be determined in relation to the policy of the State to leave with an individual what will suffice for his needs and at the same time, serve the national interests of his full-time employment without appreciably affecting overall production. On the other hand, the ceiling has a reference to the area of land that can be made available for redistribution, with due regard to the efficiency of production and the demand for land. The balance between individual needs and national requirement of maximum production are sought to be covered by pooling the holdings of individuals into collective co-operative efforts for maximum production.

In order to implement the recommendations of the Planning Commission in this respect, the Amending Act of 1955 provides for the economic holding and ceiling areas. The expressions "economic holding" and "ceiling area" have been defined in the Act [section 2(6A) and (2D)].

Although the term 'holding' has not been defined in the Act, the holding contemplated by the Act is the total area of the lands held by any person either as owner or as a tenant or as both and cultivated personally. It does not include the owned land which has been leased to tenants for cultivation. In considering the size of the holding, the land of a holding has to be classified into Jirayat land, seasonally irrigated land and perennially irrigated land. Irrigated land is that which is irrigated by canal or a Bandhara within the meaning of the Bombay Irrigation Act of 1879 or any lift irrigation system constructed or maintained by the State Government. Seasonally irrigated land covers the alluvial land or land situated in the bed of a river and seasonally flooded by the water of the river.

For the purpose of ascertaining the size of the holding, 4 acres of jirayat land are to be treated as equivalent to 2 acres of seasonally irrigated land or 1 acre of perennially irrigated land. In cases in which holdings consist of partly jirayat and partly irrigated lands, these areas are to be converted into their equivalents of dry crop or seasonally or perennially irrigated areas.

The holding is to be considered 'economic' if it consists of 16 acres of jirayat land or 8 acres of seasonally irrigated land or 4 acres of perennially irrigated land. A ceiling area is to be considered to be equal to thrice the area of an economic holding. In imposition of the ceiling, the three objectives kept in view are of giving the family a fair amount of means of subsistence, of arriving at an economic unit of cultivation and of ensuring larger output per unit of cultivation. Government is empowered under section 7, to vary the acreages of ceiling areas or economic holdings or the basis for the determination of these holdings, having regard to the situation of the land, its productivity, its location in backward areas, climate, rainfall and standard of husbandry (Rule 4).

(i) Operation of Economic Holding:

It should be noted that the provisions of economic holding have an important bearing on other provisions of the Act. An agriculturist cultivating land less than an economic holding and who earns his livelihood principally by agriculture or by agricultural labour is a 'small holder' under the Act [section 2(16-B)]. Persons who are 'small holders' have a fourth place in the 'Priority List' prescribed in section 32P(2) which is to be followed in disposing of lands under the provisions of the Act. A co-operative society of agriculturists (other than small landholders) and an agriculturist (other than a small holder) who holds land whether as owner or tenant or both, less than the economic holding, are given fifth and sixth places respectively in the priority list. Agriculturists who hold land whether as owner, tenant or both less than the ceiling area but more than an economic holding are given eighth place in this Priority List.

Landlords whose leased lands are less than an economic holding and whose total annual income including the rent of the land does not exceed Rs. 1,500 are saved from the provisions of compulsory purchase by tenants.

(ii) *Operation of Ceiling Area:*

With effect from the 15th June 1955, it shall not be lawful for any person to hold whether as owner or tenant or both land in excess of the ceiling area (section 34). As stated before, the owner's holding includes only that land which is owned and personally cultivated. It does not include land which is owned but leased to tenants. This limit on the holding does not, however, apply to the holding of a person, which is owned and personally cultivated by him on the appointed date, i.e. 15th June 1955. This means that the ceiling provisions do not apply to the existing holdings, however large, but only to the future acquisition of holdings.

We have already noticed above that according to the definition of the expression "to cultivate personally" land in excess of twice the ceiling area can be regarded as personally cultivated only if it forms one compact block, is situated within the limits of a single village or so situated that pieces of land are within a circumference of 5 miles. If any land by reason of this situation or formation cannot be regarded as being personally cultivated, it will become subject to the restrictive provisions relating to the ceiling areas even though it may have been held on the 15th June 1955. Whatever may be the size of the holding, if such lands satisfy the definition of personal cultivation, the restrictive provisions of section 34(1) will not apply. But this exemption cannot be availed of by landlords who have resumed large areas of lands from their tenants in anticipation of the new Act or otherwise by making their tenants surrender their lands. To achieve this object, it has been provided in the Act that if any landlord has acquired any area by surrender from his tenant during the period from 1st January 1952 to the date of commencement of the Act (1-8-1956), then if his holding immediately before the 1st January 1952 was equal to or in excess of twice the ceiling area, the whole of the area acquired by him by surrender shall be at the disposal of the Collector. If, however, his holding on the 1st January 1952 was less than twice the ceiling area, he is allowed to retain only so much area from the surrendered land as would make his holding equal to twice the ceiling area and the remaining surrendered area will be at the disposal of the Collector [section 34(3)].

If any person comes into possession of any land after the 15th June 1955 by gift, purchase, assignment, lease, surrender, etc., as a result of which his total holding exceeds the total area of

land authorised to be held by him under section 34, the acquisition of the excess area of land shall be invalid (section 35).

Besides, the ceiling area operates directly or indirectly in various provisions. To begin with, if the tenant surrenders the land in favour of the landlord, the latter can retain only so much land as he would be entitled to get, had he proceeded against the tenant under section 31 for resumption of that land for personal cultivation. This means that if the landlord at the time of the surrender of lands cultivates personally his own or leased land in excess of the ceiling area, he shall not be entitled to retain any of the surrendered lands.

Further, when the landlord terminates the tenancy of a tenant on the ground of personal cultivation or non-agricultural use, he is not entitled to get any land if at the date of giving the notice of termination of tenancy to the tenant or on the date on which the notice expires, he cultivates personally his own or leased land in excess of the ceiling area. If the land cultivated by him personally is less than the ceiling area, he is entitled to resume from the tenant only so much land as would make his holding equal to the ceiling area provided, of course, he satisfies other conditions set out in section 31-A and leaves with the tenant half the area lease to him (section 31-A).

Furthermore, the ceiling area also operates in determining the extent to which a tenant is deemed to have purchased land cultivated by him either on the 'Tillers' Day or the postponed day or by a new tenant on any day within one year of his tenancy. If the tenant already owns and personally cultivates land in excess of the ceiling area, he is not deemed to have purchased any land cultivated by him as tenant. But if he owns and personally cultivates land less than the ceiling area or does not own any land, then he is deemed to have purchased the land, cultivated by him, as tenant to an extent to make his own and personally cultivated holding equal to the ceiling area (sections 32A, 32B and 32-O).

The land held by a tenant which he is not entitled to purchase as also the lands which the tenant fails to purchase and the lands the purchase of which becomes ineffective by reason of the tenants' failure to pay the purchase price in lump sum or in instalments, are deemed to have been surrendered to the landlord and are to be treated accordingly. As a result, if the landlord already cultivates personally at the time of surrender of such lands, lands in excess of the ceiling area, he is not entitled to retain any of such surrendered lands. If, however,

he cultivates personally land less than the ceiling area, he is entitled to retain only so much of the land from the surrendered land as would make the land under his personal cultivation equal to the ceiling area [sections 32-E and 32-P(i)].

Sale, gift, exchange or lease or mortgage with possession of any lands in favour of agriculturists who cultivate personally whether as owner or as tenants or as both, the land not less than the ceiling area without the previous permission of the Collector, is made invalid (section 35).

(m) Tillers' Day—Compulsory Purchase of Leased Lands:

The fundamental feature of the new law is the Tillers' Day. It is to be the first day of April 1957, on which day tenants who cultivate personally lands held by them on lease will, subject to certain conditions and exceptions, be deemed to have purchased the leased lands free from all encumbrances subsisting thereon on that day. On this date, the tenants including sub-tenants of permanent tenants, are to be deemed to have purchased the lands held by them as tenants.

It should be noted that the following types of tenants are, however, not deemed to have purchased their lands on the Tillers' Day under section 32, i.e. they will not become occupants on the 1st April 1957:

- (1) tenants (other than permanent tenants) who have been given notice by the landlords under section 31 before the 31st December 1956 for the termination of their leases and in respect of whose lands applications for possession have been filed before the Mamlatdar on or before the 31st March 1957 but have not been decided or have been decided but proceedings in appeal or revision are in progress;
- (2) tenants who are minors, widows, disabled persons or serving members of the armed forces [section 32-F(b)];
- (3) sub-tenants of tenants mentioned in (2) above;
- (4) tenants of landlords who are minors, widows, disabled persons or serving members of the armed forces;
- (5) tenants of lands specified in section 43-A;
- (6) tenants of lands within the limits of municipal corporations, municipal boroughs, municipalities, cantonments or Town Planning Schemes (section 43-C);
- (7) tenants of lands belonging to Government (section 88);

- (8) tenants of lands notified by Government as being reserved for non-agricultural or industrial development (section 88);
- (9) tenants of lands under the management of Government, a Court of Wards or a Civil or a Revenue or a Criminal Court (section 88);
- (10) tenants of lands transferred to or by "Bhoodan Samitis" recognised by the State Government (section 88-A);
- (11) tenants of lands held or leased by local authorities or universities in the State (section 88-B);
- (12) tenants of lands which are the properties of Trusts for educational purposes, hospitals or institutions for public religious worship and which satisfy the conditions in the proviso to section 88-B;
- (13) tenants other than permanent tenants of landlords whose annual income including the rent of the land is less than Rs. 1,500 and whose leased holding is less than an economic holding (section 88-C); and
- (14) tenants (including permanent tenants) who have been conferred occupancy rights under any of the Land Tenures Abolition Acts (section 87A).

In the case of tenants falling under item (1), they have to wait till the proceedings in regard to the termination of their tenancies and taking possession of their lands by the landlords are finally decided. In the case of such tenants, the Tillers' Day is postponed to the date of final orders but in other respects, provisions contained in the Act in the matter of the purchase of lands apply.

In the case of tenants who are minors, disabled persons or serving members of the armed forces, such tenants become entitled to exercise their right of purchasing the land held by them in accordance with the provisions of section 32 to 32E and 32G to 32R, within one year from the date of attaining majority by the minors, from the date on which physical or mental disability ceases to exist or from the date of his ceasing to be a serving member of the armed forces, respectively. In the case of widows, their successors-in-title will be entitled to purchase the lands held by them as tenant after one year from the date on which interest of the widows in the land will have ceased to exist.

Sub-tenants of tenants who are minors, widows, disabled persons or serving soldiers are not entitled to purchase the leased lands cultivated by them as sub-tenants.

In the case of a tenant of a landlord who is a minor, widow, disabled person or a serving member of the armed forces, he (the tenant) becomes entitled to exercise his right of purchasing the lands held by him as tenant in accordance with the provisions contained in section 32 to 32E and 32G to 32R, within two years from the following date unless his tenancy has been terminated by his landlord on the ground of personal cultivation or non-agricultural use within one year—

- (1) from the date the minor landlord attains majority;
- (2) from the date on which the physical or mental disability of the landlord ceases to exist;
- (3) from the date on which the landlord ceases to be a serving member of the armed forces;
- (4) from the date on which the interest of the landlord, who is a widow, in the land ceases to exist (section 32F).

Tenants of landlords who had been re-granted the land by Government under the provisions of any of the Land Tenures Abolition Acts are also deemed to have purchased the lands cultivated by them, if their leases were created before the re-grant of the land to the landlord, even though the re-grant of the land was on condition that the land is not transferable [section 32G(6)].

The conditions in regard to areas to be purchased are those prescribed in section 32A and 32B.

For the purpose of deciding the extent to which a tenant should be allowed to purchase the land held by him as a tenant, a tenant is to be put into one of the following three classes:

- (a) a tenant who holds owned land in addition to the leased land and the area of whose owned and personally cultivated land is equal to or more than the ceiling area;
- (b) a tenant who holds owned land in addition to the leased land, but the area of whose owned and personally cultivated land is less than the ceiling area;
- (c) a tenant who holds only leased land and has no land of his own.

In the case of a tenant falling under (a) under section 32B, he is not entitled to purchase any land because he already cul-

tivates personally as owner, an area equal to or more than the ceiling area. In the case of a tenant falling under (b), he is entitled to purchase only so much area as would make the area of the owned and personally cultivated land held by him equal to the ceiling area. In the case of a tenant falling under (c), he is entitled to purchase leased land upto the ceiling area. If the tenant holds lands from different landlords, he can choose the lands to be purchased by him as provided in Rule 16 of the Tenancy Rules of 1956. In choosing the land, a survey number or a sub-division of a survey number is the minimum unit (section 32C).

A tenant is not precluded from purchasing a fragment if he becomes entitled to it because the fragment is already with him and under his personal cultivation, and a change in the nature of the title under which it is held by the tenant will have no effect on the manner of its cultivation (section 32D).

Purchase Price:

The purchase price to be paid by the tenant for the land purchased by him is to be determined by the Agricultural Lands Tribunal within the following limits:

If the tenant is a *permanent tenant*, the purchase price to be paid by him is to be equal to six times the aggregate amount of the rent he was paying plus the arrears of rent lawfully due which might have remained unpaid on the date of the purchase. In the case of permanent tenants, it is not necessary to find out the value of structures, trees, etc. on the land which might have been constructed or planted by the landlord.

In the case of a *tenant other than a permanent tenant*, the purchase price consists of the aggregate of the following amounts:

- (1) the value of the land;
- (2) the value of structures, wells, trees, etc.; and
- (3) the arrears of rent lawfully due.

The value of the land is to be determined by the Agricultural Lands Tribunal subject to the limit that it should not be less than 20 times the assessment and not more than 200 times the assessment. In the case of lands in backward areas, the maximum and minimum limits could be varied by Government under section 32H(2).

In determining the purchase price within the above limits, the Tribunal has to take into consideration the following factors:

- (a) the rental values of lands used for similar purposes in the locality;
- (b) the structures and wells constructed, the permanent fixtures made and the trees planted on the land by the landlord or tenant;
- (c) the profits of agriculture or similar lands in the locality;
- (d) the price of crops and commodities in the locality;
- (e) the improvements made in the land by the landlords or the tenants;
- (f) the assessment payable in respect of the land; and
- (g) factors which are prescribed in Rule 29.

A tenant or landlord not satisfied with the decision in regard to the purchase price of the lands by the tenant can appeal to the State Government against the decision. The decision of the State Government on the appeal will be final (section 32J).

No appeals or revision applications in this respect can be entertained by the Bombay Revenue Tribunal.

As no special period for filing these appeals to the State Government has been prescribed, the ordinary law of limitation will apply thereto.

The mode to be adopted for the payment of the purchase price is provided in section 32K. A permanent tenant has to deposit the entire amount with an Agricultural Lands Tribunal within one year from such date as may be fixed by the Tribunal. The time of one year given to the permanent tenant can be extended by the Tribunal by a period not exceeding one year provided the Tribunal feels satisfied that the payment could not be made within the original period of one year for any reason beyond the control of the tenant. A tenant other than a permanent tenant can pay the entire amount in lump sum in one year or the entire amount with simple interest at $4\frac{1}{2}$ per cent per annum in such annual instalments not exceeding 12 as may be fixed by the Tribunal. Payment of rent to the landlord is to be stopped from the year in which the first instalment becomes payable, and if during any year the payment of rent is suspended or remitted under section 13, a tenant would not be liable to pay the purchase price in lump sum or the amount of instalments or any interest thereon during that year (section 32K).

The amount of purchase price or instalment when not deposited with the Tribunal as required by section 32H becomes recoverable as an arrear of land revenue. After the purchase price in lump sum or the last instalment of the price is deposited, the Tribunal shall issue a certificate of purchase to the tenant. If, however, the tenant fails to pay the price in lump sum or is at any time in arrears of four instalments of the purchase price, the purchase shall be ineffective and the land shall be at the disposal of the Collector under section 32P, and any amount paid by the tenant shall be refunded to him (section 32M).

When the purchase becomes ineffective, a landlord is entitled to receive rent from the tenant for the past years as if the land had not been purchased and the amount of rent so recoverable shall be deducted from the amount, if any, to be refunded by the landlord to the tenant. If the landlord fails to pay to the tenant the amount refundable to him after the above deduction, it shall be recoverable as an arrear of land revenue and paid to the tenant (section 32N).

In order that a tenant may not lose the right of purchase when he has not been able to pay the four instalments, section 32M(2) provides that he may apply to the Tribunal within three months from the date of default of the last instalment for condoning the default on the ground that he was, for sufficient reasons, incapable of paying the instalments. If after holding an inquiry, the Tribunal is satisfied that the tenant was really incapable of paying the instalments, it may allow further time to the tenant to pay the arrears and may, for that purpose, increase the number of instalments to sixteen.

On the purchase of the land by tenant, the land becomes free from all encumbrances subsisting on the date of its purchase. Provision has been made for these encumbrances being enquired into and settled and paid to the permissible extent from the purchase price payable by the tenant to the landlord.

The Tribunal has been given the power to refer to the Civil Court for determination of any question of law regarding the validity of the encumbrance, the claim of the holder of any encumbrance or the amount due in respect of the encumbrance [section 32Q(3)].

Arrears of rent payable by the tenant on the date of purchase have been made payable as part of the purchase price along with the value of the land.

The whole of the purchase price payable by a tenant is payable to the landlord subject, of course, to the payment of settled encumbrances in accordance with section 32Q except in cases in which the purchaser is a sub-tenant of a permanent tenant. In the case of the purchase price payable for the land held and cultivated by a sub-tenant of a permanent tenant, the landlord is to be given that much amount which he would have been entitled to receive, had the land been purchased by the permanent tenant and the balance of the purchase price payable by the sub-tenant is to be paid to the permanent tenant (section 32-I).

(n) *Disposal of Lands:*

In implementation of the provisions of the Act, the Collector has to undertake disposal of the lands of the following categories:

- (1) Surrendered land which a landlord will not be entitled to retain with him because of sub-section (2) of section 15.
- (2) Balance of the land left after purchase of any land by the tenant under section 32, and after the landlord retains with him as much area thereof as he would be entitled to retain under section 15(2) (section 32E).
- (3) The land which a tenant who is to be deemed to have purchased it on the Tillers' Day or the postponed day fails to purchase and which is left after the landlord retains with him as much area as he would be entitled to retain under section 15(2) [section 32P(1) and (2)(b) read with sections 32G(3) and 32F].
- (4) Balance of land, the purchase of which becomes ineffective because the tenant has failed to pay the purchase price in lump sum or because he has been in arrears of four instalments of purchase price and which is left after the landlord has retained with him as much area thereof as he would be entitled to retain under section 15(2) [section 32P(1) and (2)(b) read with section 32M(1)].
- (5) Land leased after the Tillers' Day, which is not purchased by the tenant within one year from the date of the commencement of his tenancy or which a tenant cannot purchase because of the other land held by him and which is left after the landlord has retained with him as much area as he would be entitled to retain

under section 15(2) [section 32P(1) and (2)(b) read with section 32-O].

- (6) Land, held in excess of the ceiling area by any person on the 15th June 1955 which cannot be regarded as being cultivated personally by reason only of its situation or formation under section 2(6) [section 34(2)].
- (7) Lands acquired by a landlord by surrender of tenancy from his tenant during the period from the 1st January 1952 to the 31st July 1956 if his holding immediately before the 1st January 1952 was equal to or in excess of twice the ceiling area [section 34(3)].
- (8) Lands acquired by a landlord by surrender of tenancy from his tenant during the period from the 1st January 1952 to the 31st July 1956, which would remain after deducting therefrom such area of land as would make the total holding of the landlord equal to twice the ceiling area, if immediately before the 1st January 1952 the landlord's holding was less than twice the ceiling area [section 34(3)].
- (9) Land which has been purchased by a tenant under section 32, 32F, 32-I, or 32-O or by any other person under section 32P but has not been cultivated personally when such failure to cultivate has not been condoned by the Collector (section 32R).
- (10) Land purchased by a tenant under section 32, 32F, 32-I or 32-O or by any other person under section 32P or 64 which has been transferred by sale, gift, exchange, mortgage, lease or assignment or partition without the previous permission of the Collector (section 43).
- (11) Land the transfer or acquisition of which is made on or after the 1st August 1956 and which is or becomes invalid under any of the provisions of the Act. The following lands are included in this class:
 - (a) Site of dwelling house occupied by agriculturist or agricultural labourer or artisan and land appurtenant to such dwelling house sold by a landlord in contravention of section 17 [section 17(5) read with sections 2(8) and 18].
 - (b) Site of structure used by an agriculturist for allied pursuit which is sold by the landlord in contravention of section 17 [section 17(5) read with section 2(8)].

- (c) Land which has come into possession of any person after the 15th June 1955 on account of gift, purchase, assignment, lease, surrender or any other kind of transfer *inter vivos* or by bequest from another person and (i) the person in whose possession the land has come is not a recognised heir of the other person; and (ii) as a result of his getting possession of this land, the total land held and personally cultivated by such person whether as owner or tenant or partly as owner and partly as tenant does not exceed the ceiling area (section 35).
- (d) Land (which includes site of dwelling house occupied by agriculturist, agricultural labourer or artisan and land appurtenant to such dwelling house and site of structures used by agriculturists for allied pursuit), which is sold, gifted, exchanged, leased or mortgaged with possession, without the previous permission of the Collector in favour of a person who is not an agriculturist or an agricultural labourer or artisan or who is an agriculturist cultivating personally land equal to or in excess of the ceiling area, whether as owner or tenant or partly as owner and partly as tenant [section 63 read with section 2(8)].
- (e) Land (which includes site of dwelling house occupied by agriculturist, agricultural labourer or artisan and land appurtenant to such dwelling house and site of structure used by agriculturist for allied pursuit) which is sold by a landlord in contravention of section 64 [section 64 read with section 2(8)].

The procedure of disposal of land by sale by the Collector has been prescribed in Rule 21 of the Bombay Tenancy and Agricultural Lands Rules, 1956. In selling the land, the Collector shall determine its price which shall consist of the following amounts:

- (i) an amount between 20 to 200 times the assessment levied or leviable on the land, excluding water rate, if any, levied under section 55 of the Land Revenue Code and included in the assessment; and
- (ii) the value of structures, wells and embankments constructed, permanent fixtures made and trees planted on the land.

The actual price may be fixed by the Collector within the above limits after taking into consideration the factors men-

tioned in section 63A(3). The price so fixed shall be payable by annual instalments not exceeding six with simple interest at $4\frac{1}{2}$ per cent as may be determined by the Collector [section 32P(5)]. The purchase price so realised shall be paid to the owner after providing for payment of encumbrances, if any, on the land.

If no one is prepared to purchase the land, it shall vest in Government and the purchase price shall be paid to the owner by Government after providing for payment of encumbrances, if any, on the land [section 32P(4)].

The possession of land which is allowed to be retained by the landlord under section 15(2) in the case of lands falling in (3) to (8) is not to be given to the landlord until any amount refundable to the tenant is paid to him or until such amount is recovered from the landlord. Until such amount is paid to the tenant or recovered from the landlord, the tenant shall continue to hold the land as before [section 32P(3)].

In the case of lands falling in categories (9) to (11), they are to be disposed of by the Mamlatdar under section 84C. For this, the Mamlatdar shall determine the reasonable price in the same way as above and thereafter grant the land on the new and impartible tenure on payment of occupancy price equal to the reasonable price in the order of priority given in the priority list after giving the tenant, if any, in actual possession of the land the first place in the priority list. In granting land under section 84C, the Mamlatdar is required to follow, as far as may be, the procedure laid down in Rule 21 of the Bombay Tenancy and Agricultural Lands Rules, 1956 (*vide* Rule 51). The occupancy price realised shall be credited to Government except in the case of those lands the acquisition of which was on account of gift or bequest. In such cases, the occupancy price, after payment therefrom of encumbrances, if any, on the land, shall be paid to the donee or legatee who had acquired the land (section 84C).

(o) *Exemptions:*

The list of exemptions either in whole or in part from the provisions of the Act is long. Lands and areas of the categories mentioned in sections 88 and 88A have been *exempted from the application of all the provisions of the Act*. These areas are as follows:

- I. (1) *Lands belonging to Government.* In this category would fall lands of the type of Government waste lands and grazing lands.
- (2) *Lands held on lease from Government.* The most common examples of this category are eksali leases and reclamation leases. But lands held on lease from Government and again sub-let are not exempt from the operation of the Act.
- (3) Lands notified by Government as being reserved for non-agricultural or industrial development.

So far, Government has notified the following areas as being reserved for non-agricultural and industrial development:

Areas within the limits of—

- (1) Greater Bombay,
- (2) the Municipal Corporations of the Cities of Ahmedabad and Poona,
- (3) the Municipal Boroughs of Thana, Kalyan, Surat, Sholapur and Hubli.
- (4) Estates or lands taken under the management of the State Government under the provisions contained in Chapter IV or section 65 of the Tenancy Act.

However, under Government Notification No. TNC 5256/96856-F, dated 1st August 1956, issued under section 88D, Government has directed that estates and lands taken under management of Government under Chapter IV or section 65 shall not be exempt from the provisions of Chapter IV, sections 65, 66, 80A and 82 to 87.

- (5) Estates or lands taken under the management of the Court of Wards.
- (6) Lands taken under the temporary management by Courts whether civil, revenue or criminal either directly or through the appointment of receivers.

Note: In cases Nos. (4) to (6) above, the exemptions last till the estate or the land continues to be under management. On the management ceasing to be effective, the provisions of the Act will come into force subject to certain modifications laid down in the proviso to section 88.

- (7) Lands transferred to or by Bhoodan Samitis recognised by State Government in this behalf.

II. *The lands to which the provisions of section 88B apply are as follows:*

Lands held or leased by a local authority or a University established by law in the State.

Local authority would include a Municipality, a District Local Board and a Village Panchayat.

At present the following Universities established by law exist in the State:

- (1) University of Bombay, Bombay.
- (2) University of Poona, Poona.
- (3) Shreemati Nathibai Damodar Thakersey Women's University, Bombay.
- (4) Gujarat University, Ahmedabad.
- (5) Maharaja Sayajirao University of Baroda, Baroda.
- (6) Sardar Vallabhbhai Vidyapeeth, Anand.

Lands which are the property of—

- (1) a trust for an educational purpose;
- (2) a trust for a hospital;
- (3) a trust for an institution for public religious worship;

provided that—

- (a) such trust is or is deemed to be registered under the Bombay Public Trust Act, 1950, and
- (b) the entire income of the lands is appropriated for the purposes of such trust.

In the case of these lands only the following provisions of the Act apply:

Section 3: Making applicable to tenancies and leases of lands provisions of Chapter V of the Transfer of Property Act, 1882, in so far as they are not inconsistent with the provisions of the Act.

Section 4B: Non-termination of tenancies by efflux of time.

Sections 8, 9 to 11 and 13: Fixation and payment of rent, abolition of cesses and suspension or remission of rent.

Section 27: Prohibition on sub-letting or partitioning of lands.

III. *The lands and leases of the categories mentioned in section 43A are as follows:*

(1) Leases of land granted to or for the benefit of any industrial or commercial undertaking (other than a co-operative society) which, in the opinion of the State Government *bona fide* carries on any industrial or commercial operations and which is approved by the State Government. The procedure for getting the approval of Government has been laid down in Rule 26 of the Bombay Tenancy and Agricultural Lands Rules, 1956. According to the rule, an industrial or commercial undertaking which seeks the approval of Government will have to apply to Government through the Collector stating therein the industrial or commercial operation carried on by it and giving all other particulars qualifying it for approval. The Collector will then forward the application to Government with his remarks thereon. If Government grants the approval, it will be notified in the Official Gazette.

(2) Leases of land granted to other bodies or persons for the cultivation of sugarcane or the growing of fruits or flowers or for the breeding of livestock.

(3) Lands held or leased by such co-operative societies as are approved in the prescribed manner by the State Government which have for their objects the improvement of the economic and social conditions of peasants or ensuring the full and efficient use of land for agriculture and allied pursuits.

The manner of approval of a co-operative society is provided in Rule 27 of the Bombay Tenancy and Agricultural Lands Rules, 1956. According to the rule, the co-operative society which seeks the approval of Government has to apply to Government through the District Co-operative Officer. The District Co-operative Officer will forward the application to Government through the Collector and the Registrar of Co-operative Societies. If Government grants the approval, it will be notified in the Official Gazette.

(4) Leases of land obtained by any person for growing a class of agricultural produce which is notified by Government to be exempt. These lands and leases have been exempted from the application of the following provisions of the Act:

Section 4B: Non-termination of tenancies by mere efflux of time;

Sections 8, 9 to 10A: Prescribing rates and amounts of rents to be paid;

Section 14: Termination of tenancies for default of tenants;

Sections 16 to 18: Provisions in regard to sites and dwelling houses thereon of tenants, agricultural labourers or artisans or persons carrying on allied pursuits;

Section 27: Prohibiting sub-letting and sub-division of lands;

Sections 31 to 31D: Termination of tenancies of lands required by landlords for non-agricultural use or for personal cultivation;

Sections 32 to 32R: Purchase of land by tenants;

Sections 34 and 35: Restrictions upon holding land in excess of the ceiling area;

Sections 43 and 63: Restrictions on transfers of agricultural lands;

Section 63A: Determination of the price of land;

Section 64: Sale of agricultural lands to particular persons;

Section 65: Assumption of management of uncultivated lands.

IV. Lands within the limits of the Greater Bombay and other Municipal Corporations and of Municipal Boroughs, municipalities, cantonments or areas included in the Town Planning Schemes under the Bombay Town Planning Act, 1954, have been exempted from the application of the provisions of the Act contained in sections 32 to 32R, both inclusive, and section 43. In section 43D, special provision has been made for the termination of tenancies other than permanent tenancies of these lands, if the landlord requires them for *bona fide* non-agricultural purpose by giving the tenant a three months' notice with effect from the 31st May of any year. Tenancy rights in respect of lands in the above areas acquired by any person under the Bombay Tenancy and Agricultural Lands Act, 1948, after the 28th December 1948 remain unaffected, by any of the provisions of the Amending Acts of 1952 and 1955.

However, as a result of Government Notification, No. TNC 5156/101965-F, dated the 1st August 1956, areas within the limits of—

- (1) Greater Bombay,
- (2) The Municipal Corporations of the cities of Ahmedabad and Poona,
- (3) The Municipal Boroughs of Thana, Kalyan, Surat, Sholapur and Hubli

have been exempted from all the provisions of the Act.

V. Under section 88C, persons who have leased lands constituting holdings smaller than the economic holding and whose annual income, including the rent of the leased lands, does not exceed Rs. 1,500 have been exempted from the application of the provisions contained in sections 32 to 32R of the Act, in regard to the purchase of leased lands by the tenants.

The analysis of the provisions of the Amending Act clearly shows that the list of the categories of tenants who will not become occupants on the Tillers' Day and of the categories of lands, which are exempt wholly or partially from the operation of the Act is considerable. But such exemptions have become necessary in view of the peculiar position of the tenants concerned and the special uses to which the lands have been put or set apart by Government, local bodies and trusts. Even barring all these categories of tenants and lands, the number of tenants who would be benefited by the Amending Act will be considerable. The Act is expected to create—

- (a) a psychological atmosphere among the landlords for undertaking personal cultivation of their lands,
 - (b) an enthusiasm and initiative among the tenants who would become occupants generally on payment of the purchase price which is likely to be less than the market price of the land,
 - (c) an atmosphere under which the lands which have hitherto remained waste or badly or improperly cultivated, will be put to full and efficient use for agriculture stimulating agricultural production,
 - (d) a situation in which the transfers of lands among the members of the family will cease either for partial or entire evasion of the provisions of the Act,
 - (e) a position in which tenants will not only become the occupants of their lands, but also of the houses and house-sites and the so-called voluntary surrenders will be minimized,
 - (f) a farming condition in which it will not be possible for the landlords to evict tenants in view of the ceiling provisions, and reducing the size of the tenancy problem to the minimum extent possible.
- (p) *Three Phases of the implementation of the Amending Act of 1955:*

The implementation of the Amending Act will be spread over most of the period covered by the Second Five-Year Plan. It

will be in three well-marked phases. The *first phase* will begin with the commencement of the new Act on the 1st August 1956 and will last till the Tillers' Day (1st April 1957). The preparatory work will have to be done for giving effect to the provisions of the Act in the matter of purchase of lands by tenants. The main work, however, will be on the following lines: (1) fixation of rent, (2) termination of tenancies or re-acquisition of tenanted lands by landlords for personal cultivation or for non-agricultural purpose, (3) enforcement of the provisions of the Act in regard to economic holdings and the ceiling areas, (4) introduction of the Record of Rights relating to dwelling houses, etc. in villages where necessary, (5) giving effect to procedural changes in village accounts, maintenance of the Record of Rights, collection of land revenue and implementation of the provisions of sections 84A and 84B of the Act relating to the transfers of lands made during the period between the 15th June 1955 and 31st July 1956, etc.

The *second phase* would begin on the Tillers' Day. It would be the most important but at the same time the most burdensome phase involving meticulous inquiries into each holding and compulsory purchase of tenanted lands by lakhs of tenants and re-distribution of land over a wide area covering lakhs of khatas. It will also cover cases of determination of purchase price payable to landlords, and summary eviction of tenants unable or unwilling to purchase lands. The rush and pressure of work incidental to the purchase of lands by the tillers on the Tillers' Day would spread over about three years so that the second phase would run from the 1st April 1957 practically to the end of the Second Five-Year Plan period (1961).

The *third and the last phase* would involve the implementation of the Act in the light of the changes effected. Despite these phases, the implementation of the Act would be a continuous process. In that process, holdings are bound to change hands in the course of time as well as under the provisions of the law. The fundamental task of the revenue machinery would be to ensure that the law is respected and enforced and not evaded. The changes would practically require re-writing of the land records and re-shaping of the village forms of accounts to which the revenue machinery is accustomed. The burden of implementation of the Act will fall on the revenue administration which is already overburdened. Thus, the Amending Act makes little change in the scope and the principles embodied in the existing enactment.

It is argued that in the scheme of compulsory purchase, tenants, who are incapable or unwilling to purchase the lands on the 'Tillers' Day, are to be summarily evicted. It is urged that when there is a general insistence on the restoration of evicted tenants and stopping evictions in future, such a legal provision for summary eviction in the tenancy legislation is rather drastic. To this, the answer given by the Revenue Minister was that unless a shock treatment was given to tenants who were both fatalistic and pathetically content, they would not think of becoming occupants and the tenancy problem would not be solved.

Another argument against the Amending Act relates to the ceilings on land. The Act accepts the desirability for fixing ceilings on future acquisitions but not on the existing holdings which is difficult to impose. The ceilings are fixed in order to satisfy the land hunger. Shri J. J. Anjaria,³ therefore, argues that what is wanted is work and the wages of work and doubts if there is enough land to go round. He questions the fact about any long-term satisfaction or social stability arising out of the distribution of small bits of land to claimants who have little of other ancillaries needed. Furthermore, according to the Rural Credit Survey Report, of the total gross capital formation in the agricultural sector, nearly two-fifths was by 'big' cultivators and about two-thirds by the 'large' cultivators. Thus, ceilings on land holdings may affect capital formation adversely. It is, therefore, argued that the taxation of such big holdings should be left to the agricultural income-tax. He, however, admits that there is some force in the contention that some sort of re-distribution of land cannot be avoided as an earnest of the States' desire to move towards an egalitarian society of a Welfare State. "However important and expedient re-distributive measures in the field of agrarian reform may be, the ultimate strength of the economy has to come from an efficient ordering of the resources available and from reorganisation of the productive unit itself on technically efficient lines.⁴ This is exactly the reason why the Amending Act "embodies a balance and a compromise between conflicting interests and points of view. It strikes a balance between the needs of food production and redistribution of land and between the demands

³ Shri J. J. Anjaria: *The Indian Journal of Agricultural Economics*, April-June 1956, p. 19.

⁴ Shri J. J. Anjaria: *The Indian Journal of Agricultural Economics*, April-June 1956, p. 20.

of the small-holder-cum-tenants and the necessity of providing for the small-holder-cum-landlords".⁵

(q) *Planning Commission's Recommendations and their implementation:*

It remains to be examined how far the recommendations of the Planning Commission have been implemented in this Amending Act. We may first consider the question regarding prohibition of leasing of lands. At present, in the Bombay Act, the right to lease lands has been limited to persons suffering from some disability such as widows, minors, disabled persons and persons serving in the armed forces. The Plan observes ⁶ that complete prohibition of leases introduces a degree of rigidity in the rural economy and is difficult to enforce administratively. It, therefore, suggests ⁷ that such leases should be made through village panchayats and if they are made directly, they should be for a minimum period of 5 to 10 years. This procedure would be in the direction of making village panchayats the instrument for implementation of land reforms. There seems no objection to accepting the suggestion provided the village panchayats concerned are efficiently functioning.

The Plan's recommendation ⁸ that ejectment of tenants and sub-tenants should be stayed except on the ground of non-payment of rent or misuse of land has already been embodied in section 14 read with sections 25 and 26 of the Tenancy Legislation. Its further recommendation ⁸ that the legislation should provide that the surrenders to be valid should be duly registered by revenue authorities is also embodied in section 15.

As regards rent, the Plan recommends that the maximum rent should be fixed as a multiple of land revenue. This is already provided in section 8.

It has further recommended that the occupants should be allowed to mortgage their lands for obtaining loans from Government and co-operative societies. Section 27(2) and (3) of the Act permits *tenants* to mortgage their lands for obtaining loans from Government and co-operative societies. As suggested elsewhere for conceding such a right to *occupants* of lands, the provisions of the Land Revenue Code will have to be amended.

⁵ Shri Shankar, I.C.S., Revenue Secretary's Radio Broadcast dated 31-7-1956.

⁶ The Second Five-Year Plan (1956), p. 184.

⁷ *Ibid.*

⁸ *Ibid.*, pp. 185-6.

The Planning Commission has urged that "The economic circumstances of small owners are not so different from those of tenants that the tenancy legislation should operate to their disadvantage. It is, therefore, desirable that a small owner wishing to resume land for personal cultivation should be permitted to do so. In order to implement this recommendation, the Act defines a small holder as a person whose annual income including the rent of the land is less than Rs. 1,500 and whose leased holding is less than an economic holding. The tenants of such lands are not to acquire occupancy rights on the Tillers' Day. This sort of exemption is enough to protect the rights of the small holders.

The Planning Commission has further recommended that the meaning of 'personal cultivation' should be clarified in the legislation. Personal cultivation consists of three elements, viz. risk of cultivation, personal supervision and labour. The expression should be defined so as to provide for the entire risk of cultivation being borne by the owner and personal supervision by the owner or by a member of a family. And when land is to be resumed for personal cultivation, the desirability of providing also for the third element—personal labour—may be considered. In the Amending Act, the definition of personal cultivation is revised in order to provide that personal cultivation should mean cultivation of land on one's own account by one's own labour or by the labour of any member of one's family or under the personal supervision of oneself or any member of one's family, by hired labour or by servants on wages payable in cash or kind but not in crop-share. In the case of disabled persons (minors, widows, old persons, persons in the armed forces), the requirement of personal cultivation is done away with and they are allowed to lease their lands.

Thus, the definition of personal cultivation implements the Planning Commission's recommendation and goes further in that the area which can be deemed under personal cultivation is limited to 96 acres (two ceiling areas) unless the land is situated in one village or forms one compact block or the various pieces are so located that no piece is separated from another, by a distance of more than five miles. Thus, the restrictions of situation and formation on the land under personal cultivation are imposed. The object in prescribing these conditions is to ensure that the beneficiary is one who really exercises personal supervision over the land under cultivation.

In short, the Amending Act practically implements all the principal recommendations of the Planning Commission.

3. SAURASHTRA

Now, we may examine the tenancy problem in Saurashtra. Before integration, the tenancy problem in Saurashtra was feudalistic in character and there was no security as to the tenure and rents and the rights to trees, house-sites, farm houses, etc. By and large, the tenants were tenants-at-will subject to variable rack-rents and cesses. There was no tenancy legislation in any State except for some rules in the Bhavnagar State and areas administered by the Western India States Agency.

The tenancy problem may conveniently be dealt with according to the three periods set out below:

- (1) Pre-integration period (pre-1948),
- (2) Post-integration Ordinance period (1948-49); and
- (3) Abolition of Intermediaries period (1950 onwards).

(1) *Pre-integration Period (pre-1948):*

It is already stated that before the formation of the State of Saurashtra in February 1948, the peninsula of Saurashtra was made up of more than 200 different administrations. The general system of assessment was crop-share. Out of the total number of villages (4,415), 2,689 villages were khalsa and the remainder non-khalsa (Girasdari, Barkhali, etc.). In the *khalsa areas*, cultivators were in law tenants-at-will, whose lands could be resumed by the State at its sweet will. The *bhagbatai* system prevailed. Besides, other cesses, babs and 'Veth' (forced labour) were rampant.

In the non-khalsa villages, however, the problem was very complicated, because of the existence of the long-standing intermediate interests. The intermediaries had different relationships with their tenants. All tenants were tenants-at-will, who could be evicted by giving a notice before the beginning of the agricultural (crop) year. But the tenants, from whom the landlords had taken occupancy price, could not be so evicted. The legal position of such tenants was, however, not clearly defined with the result that landlords could evict such tenants under certain circumstances. The rent in crop-share payable by a tenant varied from $\frac{1}{4}$ th to $\frac{1}{2}$ of the crop. He was also liable to pay *santi vero* (plough tax) from Rs. 20 to Rs. 40 per *santi* of about 40 acres. Besides, he had to pay various *lagas*, *letries*,

and cesses such as Havaladari, Sukhadi, Zampo, Kamdari, Mapla, Mana-mapa, Kunvar pachhedo, Mukhi-chapti, Kharajat, etc. In those 1,726 non-khalsa villages, there were more than 83,000 tenants-at-will. The land-holders were of different categories such as Girasdars (Talukdars, Bhayats, Bhagdars and Mulgirasias), Barkhalidars (Jiwaidars, Inamdars, etc.) with varying rights against the States concerned. The Girasdars claimed proprietary rights in the villages, whereas the latter (Barkhalidars) had interest only in the revenue thereof.

(2) *Post-integration Ordinance Period (1948-1949):*

Immediately on integration, by a proclamation dated the 15th April 1948, the State Government declared that all the tenants of the *khalsa villages* would become occupants straightaway without payment of any occupancy price and the assessment was ordered to be recovered in cash. All obnoxious taxes and cesses were abolished. This was the first and important step taken for solving the tenancy problem.

In order to level up the rights of the tenants of the *non-khalsa villages* to those of the *khalsa tenants*, Government promulgated the *Saurashtra Tenants Protection Ordinance No. XXIV of 1948*. It provided for (1) protection of tenants against arbitrary eviction, (2) a notice of 6 months to a tenant, in case a landlord required lands for personal cultivation, and (3) for restoration of land to tenants in the case of illegal evictions. The Ordinance, in practice, failed to prevent evictions of tenants and exaction of rack-rents. It pleased neither the landlords nor the tenants. In order to remedy the state of affairs, the *Saurashtra Zamindars and Tenants Settlement of Land Disputes Ordinance of 1948* was promulgated. It empowered the Mamlatdars to take charge of the crops in disputes and the Deputy Collectors to determine rent in respect of the produce, on the basis of the *Anida⁹ Settlement*, under which the land-holders were enjoined not to evict tenants and to recover rents not exceeding 1/4th and 1/5th share in unirrigated and irrigated crops, respectively. The Girasdars rejected this offer and started satyagraha against the said proposals. As a result of the negotiations between the Girasdars and Government, the *Saurashtra Protection of Tenants (Amendment) Ordinance, 1948*, was passed. It provided that instead of the 1/4th and 1/5th share basis, the rent agreed between the Girasdars and tenants should be the basis for recovery. It also appointed a joint com-

⁹ The settlement was called Anida, because the Anida Estate was the first to accept the formula suggested by Government.

mittee of landholders and tenants for settlement of disputes relating to ejectment of tenants and recovery of rents.

This measure also failed in its purpose. It was feared that there would be large-scale evictions of tenants. Government, therefore, promulgated an Ordinance called the *Saurashtra Temporary Postponement of Evictions Ordinance* in 1949. It provided that a landlord could not evict a tenant by mere service of notice under the Ordinance of 1948.

Despite negotiations between the Girasdars and Government no agreed formula could be evolved. Consequently, the *Saurashtra Gharkhed Tenancy and Agricultural Lands Ordinance No. XLI of 1949* was promulgated with effect from the 20th July 1949. It repealed the previous Ordinances and mainly provided as follows on the pattern of the Bombay Tenancy and Agricultural Lands Act, 1948:

- (a) A landholder was allowed to reserve land for personal cultivation according to a prescribed scale. Petabhadgars were not eligible for gharkhed.
- (b) A tenant could not be dispossessed except under an order of the Mamlatdar.
- (c) Government fixed the assessment for gharkhed and non-gharkhed lands (Chapter IV).
- (d) Government also fixed the basis of rent payable by tenants to landholders.
- (e) It provided protection to tenants in certain respects on the lines of the Bombay legislation.
- (f) Lastly, it empowered Government to assume management of the estates in the case of disputes between landlords and tenants (Chapter VI).

Subsequent to the issue of the Ordinance in 1949, its Chapters III, IV, V, VIII and IX have been repealed.

The Ordinance was not liked by the landlords and the tenants. The landlords were displeased because all categories of landholders could not get gharkhed lands, and the rents were reduced to the level of the khalsa lands. The tenants were displeased, because evictions were possible in the process of allotment of gharkhed lands. As the situation had become very serious, in 1950, the Government of India appointed a Commission to investigate the entire land problem of Saurashtra. In the meanwhile, in order to prevent eviction of tenants from

the lands, an Ordinance was issued, which provided that no land for gharkhed should be given to the Girasdars.

3. *Abolition of Intermediaries Period (1950 onwards):*

On the basis of the Commission's report, the *Saurashtra Land Reforms Act, 1951*, and the *Saurashtra Barkhali Abolition Act, 1951*, were passed. Under those Acts, we have seen in the chapter on "The Land Tenures" that the cultivators have been made occupants on payment of occupancy price equal to six times the assessment. In the case of the latter Act, the tenants and the Barkhalidars are recognised as occupants in respect of the lands in their actual possession without payment of any amount to the State except where the holdings are large.

All these measures have substantially reduced and solved the tenancy problem in Saurashtra.

It is claimed on behalf of the Saurashtra Government that as a result of the implementation of the land reforms, the cultivators, who were tenants-at-will in the two-third khalsa area and the one-third non-khalsa area of the State, have become occupants, and, except to a very small extent, in respect of land held originally by Girasdars as gharkhed, there will be no tenants in the entire State. "The net result of the implementation is that not only the intermediaries are abolished but the tenancy system is also almost abolished."

In order to ensure that no intermediate interests between Government and cultivators are created in future the Saurashtra Government passed the *Saurashtra Prohibition of Leases of Agricultural Lands Act, 1953*. It came into force on the 7th October 1953. It was amended in 1954 and 1955. The main provisions of the Act as amended are that the existing leases are to be registered by the lessors and that unregistered leases are not to be recognised hereafter. The occupants of the lands are enjoined to cultivate their lands personally and not to lease out the lands in future. Leases are, however, permitted in the case of occupants, who are widows, minors, disabled persons and members of the armed forces. If any lands are leased out in contravention of the provisions of the Act, an occupant is liable to be punished with fine which may extend to an amount equal to 6 times the assessment of the land for the first contravention, 12 times the assessment for the second contravention and 20 times the said amount for further breaches of the law. Abetment of leasing is also made punishable.

The Act however does not apply to—

- (a) agricultural land held on lease from Government or local authority,
- (b) agricultural lands held on lease for the benefit of an industrial or commercial undertaking;
- (c) any land reserved as *gharkhed* by or allotted for personal cultivation to a Girasdar or a Barkhalidar under the provisions of the Saurashtra Land Reforms Act, 1951, or the Saurashtra Barkhali Abolition Act, 1951, upto the Akhatrij of Samvat 2014 (1958 A.D.).

In short, the Act insists upon personal cultivation of the lands by occupants and prohibits leases except in the cases mentioned above.

In the context of the tenancy reform enacted by the Saurashtra Government, the observations of Prof. C. N. Vakil, who carried out the Economic Survey of Saurashtra in 1952-53 are very pertinent. He observes that "the problem of tenancy in Saurashtra is only nominal and does not affect either any significant number of cultivators or of the total area actually under the plough in the khalsa areas. The average holding of a pure tenant-cultivator comes to 27.4 acres, which is very near the economic holding (32 acres) as against the common known feature elsewhere of a pure tenant struggling for existence with a tiny holding. In the case of the part-tenants the hired land constitutes less than 25% of their total cultivated area. The part-tenants cultivators' average owned holding, which would have been composed of 33.4 acres, is expanded into 44.2 acres as a result of their cultivating some lands on tenancy. Thus, tenancy farming in Saurashtra, besides being limited, does not weaken the structure of farm holdings".¹⁰ According to the land census carried out in 1953-54, the percentage of the area leased in Saurashtra comes to 1.6% only.

In short, the pre-integration period is marked by confusion, uncertainty and oppression; the post-integration Ordinance period is characterised by the legislative attempts of the new Government to settle the thorny problem of the landlord-tenant relations in the background of the feudal order; and the last and recent period is indicative of the Government efforts to abolish the intermediaries like the Girasdars and Barkhalidars and to confer on their tenants the occupancy status on or without payment of occupancy price. By and large, the future

¹⁰ C. N. Vakil: *Economic Survey of Saurashtra*, p. 109.

tenancy is prohibited. Thus, it would not be wrong to say that, to all intents and purposes, the tenancy problem in Saurashtra is solved. Government has to watch that there is no emergence of leases and absentee landlordism in future. These tenancy reforms became possible because of the fortuitous circumstances of the integration of the States and by the establishment of Government which formulated its policies on the basis of political expediency rather than on the doctrinaire principles in order to evolve a new system of land administration and social order.

4. KUTCH

The tenancy conditions in Kutch were not much different from those obtaining in the States of Kathiawar before their integration. There seems no need to repeat the problems dealt with in the case of Saurashtra. It will suffice to say that uncertainty of tenure, rack-rents and levy of many obnoxious cesses were the order of the day. After the formation of Kutch into the Part C State in 1948, an attempt was made to regulate the tenancy conditions. In 1950, the Bombay Tenancy and Agricultural Lands Act, 1948, and the Bombay Land Revenue Code, 1879, were extended to this State. The Government of India was also requested to extend to the State of Kutch the Bombay Tenancy and Agricultural Lands (Amendment) Acts of 1951, 1952 and 1953. It seems that the extension of these Amending Acts is still not sanctioned by the Government of India. A proposal for conferring occupancy rights upon the tenants of Government (butadars) within the meaning of the Code has been approved.

According to the land census conducted during 1953-54, the evil of the absentee landlordism is rampant, as 26.7% of the land is still under cultivation by tenants. Measures will have to be adopted to remedy this state of affairs.

The lines on which the future legislation for tenancy reform should be undertaken for these regions are discussed in the last chapter.

CHAPTER 17

TENANCY: VIDARBHA

1. *Origin of the Tenancy System:*

The present tenancy system in the Central Provinces originated with the creation of the Malguzari system in the sixties of the last century; because in creating that system, the status of the cultivators was changed from the village raiyats into the Malguzars' tenants. The old cultivators (Kadim Kashtkars) who had been in uninterrupted possession of their holdings since 1840 were given full proprietary rights with other proprietary privileges in their holdings. This class of cultivators came to be known as malik makbuzas. Tenants who satisfied the 12-year possession rule were treated as occupancy tenants. Those who could not fulfil these conditions were described as tenants-at-will. So long as a tenant paid his rent, the sense of the community was generally against his ejectment. Under the circumstances, different categories of tenants came into existence. The protection afforded to tenants in the past by custom or usage was weakened with the introduction of the new conception of proprietary right. Till recently, the competition had been that of landlords for tenants and not of tenants for land and landlords. The landlords were consequently indifferent to the growth of claims to occupancy. As a result of the creation of the malguzari system, the landlords began to harass their tenants to prevent them from acquiring occupancy rights.

2. *The C.P. Tenancy Act, 1883:*

In the process of the artificial creation of Malguzars with proprietary rights, the status of absolute occupancy tenant was created by executive instrument known as Circular G of 1865 and was enforced by a stipulation in the Wajib-ul-Arz executed by the Malguzars. The second class of occupancy tenants owed their rights to the 12-year possession rule of Act X of 1859 (Bengal Tenancy Act, 1859). Because of this interdependence, the Land Revenue Bill and the Tenancy Bill were taken up together. Sir C. Ilbert in moving the consideration of the Tenancy Bill observed as under:

“ We found a body of cultivators paying revenue to the State through their village headmen. Under and for the pur-

poses of the revenue system which we introduced, we converted the headmen into proprietors or landlords, the cultivators into their tenants and the payments made by the cultivators into rent."

In this background, the C.P. Tenancy Act of 1883 was passed. It defined the rights and liabilities of the existing classes of tenants, which are discussed below.

The Act recognised five classes of tenants, viz.—

- (1) the occupancy tenant,
- (2) the absolute occupancy tenant,
- (3) the village service tenant,
- (4) the sub-tenant, and
- (5) the ordinary tenant.

The general provisions in the Act were that the rent had to be fixed and was payable in instalments, if necessary. It could be increased on the ground of improvements made or increase in the area. The Settlement Officer was empowered to adjust the rents of the ordinary tenants as well as occupancy tenants at the time of the settlements. The fixation of rent payable by tenants was very important because the settlement of land revenue required ascertainment of all rents as a basis for calculating land revenue.

The *absolute occupancy tenant* had his rent fixed by the Settlement Officer; his right was heritable and transferable subject to pre-emption by the *Malguzar* and he could not be ejected by his landlord. The *occupancy tenant's* holding was heritable and transferable to certain heirs and to any person by consent of the landlord. The rent was fixed at the settlement. Such a tenant could be ejected only for non-payment of rent or in execution of a civil court decree. Such tenancies could not be mortgaged but sub-letting for a year was permissible.

The *village service tenants* held petty 'watans' or inam plots and were not regarded as proprietors but as a special class of tenants. The tenancy was subject to rendering of village service. On the tenant's death, it passed on to his successor in accordance with the custom. If it was a heritable office, it went to his heir. The tenant could not, however, transfer his land except by way of annual sub-lease. The tenancy right was not saleable in execution of a civil court decree. He had not to

pay any rent beyond his service. He could be ejected on failure to render service and attempt at transfer of land.

The *sub-tenants* held land only on contract from tenants. The tenants of malik makbuza were also treated as sub-tenants. All rents were determined at the settlement.

The *ordinary tenant* was a tenant other than those covered by the above four categories of tenants. He had to pay rent as agreed to from time to time. He could be ejected on the grounds generally applicable to the ejection of occupancy tenants and refusal to enhancement of rent.

The tenancy was heritable. But all transfers and sub-leases without the landlord's consent were void. The tenancy was not saleable in execution of a decree.

In short, the fundamental fact about the tenancy legislation was that all rents were fixed judicially by the Settlement Officer at the time of settlement.

The Act of 1883 was amended in 1889 and 1898. The amendment of 1898 empowered the Settlement Officer to fix rents authoritatively at the time of settlement. This enabled the Settlement Officer to reduce rents of ordinary tenants which were excessive. The Act of 1883 as amended in 1889 and 1898 was repealed and a new Tenancy Act of 1920 was enacted.

3. *The C.P. Tenancy Act, 1920:*

The Central Provinces Tenancy Act, 1920, with its subsequent modifications governed the tenancy matters in the C.P. till it was repealed recently by the Madhya Pradesh Land Revenue Code, 1954.

The Act recognised three categories of tenants, viz.—

- (1) absolute occupancy tenants,
- (2) occupancy tenants, and
- (3) sub-tenants.

(1) *Absolute Occupancy Tenants:*

Under the Act, an 'absolute occupancy tenant' was defined as a person who was the tenant of any holding and was recorded in the Record of Rights made before the first day of January 1884, as an absolute occupancy raiyat, or in equivalent terms. His rights in the land were heritable and transferable without reference to his landlord. Such a tenant might trans-

fer any right in his holding to a co-tenant or any person could mortgage such a right by a simple mortgage or by a mortgage involving conditional sale, and might sub-let any right in his holding for a period not exceeding five years. In respect of transfer in any other cases, the landlord had a right of pre-emption and a detailed procedure was provided in the Act for the purpose.

Such a tenant could not be evicted from his holding by the landlord for any cause.

The rent of such tenants was fixed for a period of settlement by the Settlement Officer and the rent so fixed was generally not to be altered during the currency of the settlement.

A very important provision had been inserted by an amending Act of 1940. Government had been empowered by notification to declare such tenants as malik makbuzas on payment to the landlord of an amount equal to ten times the rent of the holding.

(2) *Occupancy Tenants:*

Every tenant who was not an absolute occupancy tenant or a sub-tenant was an occupancy tenant. His right in the holding was heritable and transferable subject to certain conditions, viz.—

- (a) he might sub-let any right in his holding for a period not exceeding 5 years, or
- (b) he might transfer by sale or otherwise except by a simple mortgage any right in his holding to a sub-tenant or person who would be eligible to inherit the same, or
- (c) he might transfer by sale any right in his holding to any other person.

In the case of a sale by an occupancy tenant of any right in his holding, the landlord was to have a right of pre-emption. Such a right of pre-emption was given to a co-tenant and his heirs. The rent of such tenants was to be fixed by the Settlement Officer at the time of the settlement and was not to be altered during the currency of the settlement. But such rent might be enhanced during the currency of such settlement—

- (a) by an agreement in writing with the landlord;
- (b) on the application of the landlord on the ground that the rate of rent was below the rate paid by occupancy

tenants for lands of similar description with similar *advantages in the same village*;

- (c) there had been a rise in the local prices of produce since the rent was fixed;
- (d) there had been a permanent increase in the total area in cultivation since the rent was last fixed.

Detailed procedure was laid down for enhancement of rent by agreement or on the landlord's application.

Such tenants were not to be ejected except in execution of a civil court decree obtained by a landlord on the ground that the tenant had diverted the land to non-agricultural purposes. Such ejected tenants were entitled to compensation for improvements made by them.

Like the absolute occupancy tenants, these tenants were eligible to acquire the rights of malik makbuza on payment to the landlord of an amount equal to $12\frac{1}{2}$ times the rent of the holding.

(3) *Sub-tenants:*

A sub-tenant was defined as:

- (a) a person who held land from a tenant of such land; or
- (b) any person—
 - (i) who held as a tenant land from a malik makbuza or from the holder of a survey number, etc.; or
 - (ii) who held sir land as a tenant.

The tenure of a sub-tenant was to be according to the terms of the agreement between him and the landlord. His right in the holding was heritable. He could be ejected in execution of a decree for recovery of arrears due.

If a sub-tenant applied to a Revenue Officer for declaring him to be an occupancy tenant of such land on the ground that the land was habitually sub-let, the right of the original tenant in the land was to be extinguished. Such a declaration was not to be made in the case of (i) a sub-tenant holding land from a charitable or religious endowment; and (ii) a sub-tenant holding land under a lease made before the 1st November 1939. Land should not be deemed to be habitually sub-let by reason of a lease made before the 1st November 1939.

The Revenue Officer was empowered on his own motion or on application made by a sub-tenant holding land from a

malik makbuza or holding sir land from a proprietor, to declare such sub-tenant to be an occupancy tenant on the ground that the land was habitually sub-let and fix the rent payable for the land. But such a declaration was not to be made in the two cases referred to above.

Rent:

As regards general provisions of rent, rent of the holding of an absolute occupancy tenant or an occupancy tenant was a first charge on the holding and the holding was saleable for arrears.

Rent was payable in instalments according to the terms of contract or local usage.

During the currency of the settlement, the rent payable by an absolute occupancy tenant or any occupancy tenant could be reduced by Government, having regard to changes in general conditions subsequent to the settlement. Government was also empowered to vary rent during the currency of the settlement, if the holding had increased or decreased. The rent also might be altered in the case of new assessment. It was also to be altered if the holding was diverted to non-agricultural purposes. It was to be remitted or suspended according to the treatment of land revenue in that year. In the case of suits for recovery of arrears of rent, a simple interest not exceeding 6% was leviable.

The holding of an absolute occupancy tenant or an occupancy tenant could be surrendered by giving to the landlord 30 days' notice before the commencement of the agricultural year. But such a surrender was not valid unless it was effected by a registered document. The exchange of the holdings of such tenants was permitted.

According to the amending Act of 1939, if sir or khudkasht lands were leased as one holding on or after the 1st November 1939, the lessee was to acquire the same right in the sir land, as he would in the khudkasht land and the sir right in such land was to be extinguished. A tenant other than a sub-tenant had a right to be reinstated if he was legally ejected.

4. *The Berar Regulation of Agricultural Leases Act, 1951, and the Rules thereunder:*

In Berar there was a large volume of leasing of land and sub-tenancy and the number of persons cultivating land which

they did not own was considerable. Lessees and ordinary tenants holding leases, etc. *for 10 years* were declared as permanent tenants, under Berar Alienated Villages Tenancy Law Amendment Act, 1950.

The ryotwari tenure in Berar has been on the lines of the Bombay system. The holders of land in this area have transferable rights over their land resulting in the gradual accumulation of large areas of land in the hands of non-agriculturists, especially the money-lending classes. Certain evils such as absentee landlordism, habitual sub-letting of land and rack-renting came in the wake of large accumulation of land. To stop these evils, a measure called the Berar Regulation of Agricultural Leases Act, 1951, has been enacted and enforced with effect from the 15th November 1951. It provides for (1) fixity of tenure and protection of lessees against eviction by creating a class of protected lessees, and (2) lease of land on reasonable rent.

The important provisions of the Act are succinctly summarized below:

- (1) A lease of land in the agricultural year 1951-52 entitles the lessee to become a 'protected lessee' for not less than 5 years.
- (2) No lease would be valid for a period of less than five years and leases for less than 5 years are to be deemed to be for a period of five years.
- (3) A protected lessee has the option of getting his lease renewed from time to time for a period of five years.
- (4) The protected status does not accrue in the case of a lease granted by Government, local authority, co-operative society, a person under disability or in compliance with the provisions of the C.P. and Berar Cultivation of Fallow Land Act, 1948.
- (5) A protected lessee can surrender his land to a landholder, but cannot transfer by sale, gift or mortgage. But his right can be transferred or sold to secure payment of Government tagavi or advance made by a co-operative society.
- (6) His lease cannot be terminated unless the lessee fails to pay the lease money or does an act injurious to the land or diverts it to non-agricultural purposes or transfers his interests in the land or keeps the land fallow.

- (7) However, a landholder is given a right to terminate the lease for (a) personal cultivation if he has less than 50 acres of land, and (b) any non-agricultural use for his own purpose.
- (8) Reasonable lease money can be determined on the basis of certain broad principles by a Revenue Officer.
- (9) Jurisdiction of civil court is barred in respect of matters which are to be determined by the Revenue Officers.

The Act has indirectly placed a ceiling on land exceeding 50 acres for resumption of land for personal cultivation.

In substance, this Act follows the broad provisions about the protected tenants embodied in the Bombay Tenancy and Agricultural Lands Act, 1948.

In order to consolidate all land laws of the State a Committee was appointed by the State Government. On the basis of the recommendations of that Committee the Madhya Pradesh Land Revenue Code, 1954, has been enacted. It has repealed the C.P. Tenancy Act, 1920, with its amendments and provides for the tenancy matters in Chapter XIV thereof.

Thus, the Berar Regulation of Agricultural Leases Act, 1951, and the Chapter XIV of the Madhya Pradesh Land Revenue Code, 1954, constitute the tenancy law of Vidarbha at present.

5. *The Tenancy Provisions in the Madhya Pradesh Land Revenue Code, 1954:*

The Madhya Pradesh Land Revenue Code, 1954, recognises only two categories of tenants, viz. (1) ordinary tenants, and (2) occupancy tenants in the Central Provinces and the merged territories. This shows that after the abolition of the Malguzari system the tenants of Malguzars and Zamindars have become the tenants of Government and the original five categories of tenants in 1883 are now reduced to two categories of tenants only. Thus, the size of the tenancy problem has been considerably reduced by the land tenure reforms. Now, we may consider the provisions relating to these tenants as found in the Code.

Ordinary Tenants:

In the Code, an ordinary tenant is defined as a person who holds land for agricultural purposes from a tenure-holder and who is not an occupancy tenant under section 169 or a pro-

tected lessee under the Berar Regulation of Agricultural Leases Act, 1951. He is to hold land on such terms as may be agreed upon between him and his tenure-holder. Subject to the terms of the contract, the right of an ordinary tenant shall on his death pass by inheritance or survivorship in accordance with his personal law.

*Occupancy Tenants in the Central Provinces and the Merged Territories:*¹

Occupancy tenant is defined as a person who was declared as an occupancy tenant of a malik makbuza. He shall have all the rights and responsibilities conferred upon an occupancy tenant by or under this Code. The Deputy Commissioner is empowered on application to declare an ordinary tenant to be an occupancy tenant on the ground that the land is habitually leased (i.e. for a total period of three or more years during any consecutive period of five years) and may fix the rent payable for such land.

An occupancy tenant is entitled to purchase the right of a tenure-holder on payment of a sum equal to ten or seven times the rent according as the land is held from a Bhumiswami or Bhumidhari, respectively.

Devolution of the right in land of the occupancy tenant shall be in accordance with his personal law.

The tenancy of an occupancy tenant is liable to be terminated on the following grounds:

- (1) failure to pay rent in any agricultural year,
- (2) failure to deposit rent in the proceedings for determination of reasonable rent before a Revenue Officer or where it is determined at a higher rate of rent, then the balance due from him,
- (3) any act which is destructive or permanently injurious to the land,
- (4) allowing more than half the area of the land to be fallow,
- (5) use other than agricultural,
- (6) transfer of his interest in land contrary to the provision of section 175.

Of course, the tenancy is not to be terminated without giving due notice to the tenant.

¹ There are no merged territories in Vidarbha.

Except a sub-lease by or on behalf of an occupancy tenant who is a minor or a disabled person, an occupancy tenant cannot transfer, by way of sale, gift, mortgage, sub-lease or otherwise, his right in the land. But he has a right to transfer the holding to his heir or a co-tenant and for securing tagavi loan or recovery thereof or loan from any co-operative society.

He has a right of surrender of his rights in land by giving a notice in writing not less than thirty days before the commencement of the agricultural year.

He has to pay rent as agreed upon between such tenant and the tenure-holder or where there is no agreement, such reasonable rent as may be fixed by the Deputy Commissioner. Detailed provisions are made for determining the reasonable rent. Where an occupancy tenant pays rent in terms of service, or labour or crop-share, such tenant or tenure-holder to whom rent is so payable may at any time apply to the Deputy Commissioner for commuting the same in cash. The Deputy Commissioner will commute such rent into cash.

Whenever there is suspension or remission of land revenue payable to Government, corresponding relief will have to be given to tenants in payment of rent.

Here, we see that the Land Revenue Code, 1954, consolidates the law relating to the tenancy matters.

To sum up, the tenancy is now confined to two categories of tenants. Out of them, the occupancy tenants are allowed to purchase the rights of the tenure-holders (Bhumiswami and Bhumidharis) on payment of the stipulated multiples of rent. Thereafter, only the ordinary tenants will remain. In short, the size of the tenancy problem is considerably reduced in Vidarbha.

CHAPTER 18

TENANCY: MARATHAWADA

1. *Introductory:*

Owing to the prevalence of the ryotwari system in Hyderabad, as in other Zamindari States, there were not many intermediaries between the Government and the actual tiller of the soil. The landlord was called by different names such as "raiya", "pattedar", "registered occupant", or "khatedar". Although theoretically the ryotwari system did not originally recognise or contemplate the existence of any intermediary between the State and the registered occupant, the unrestricted right of transfer given to the occupants resulted in the creation of a class of non-cultivating owners or pattadars, who leased out their lands to tenants and became rent-receivers. Thus, in Hyderabad as in other States of India, absentee landlordism and tenancy-farming had their origin in the latter half of the 19th century. This became possible with the security afforded by the British rule, under which land became a source of commercial investment. This was the position in the Diwani or Khalsa area of the State.

The problem, however, became acute in the non-Diwani area, which covered the jagirs. The Jagirdars did not concede the occupancy rights to their cultivators. The tenancy position was clearly stated by the Hyderabad Tenancy Committee of 1940 as follows: "Some owners of alienated villages want to treat all cultivators as mere tenants so that they can enhance the rent or assessment of old cultivators—the complaint was that the Jagirdars and Makhtedars had manipulated their wasulbaki and jamabandi papers so that many old cultivators were entered in the settlement papers as tenants of the holder of the alienated village or his relatives."¹

Till the Asami Shikmi Act of 1354F was enacted, there were two kinds of tenants, viz.—

- (1) the Shikmidars, and
- (2) the Asami Shikmis.

The Shikmidars were permanent tenants and possessed rights similar to the pattedars. The Asami Shikmi was a person res-

¹ Report of the Hyderabad Agrarian Reforms Committee (1949), p. 14.

possible to the holder for payment of 'Lagan' (rent). If he could prove 12 years' continuous possession, he was deemed to be a Shikmidar. But in practice, it was very rare that he could prove such a period of continuous possession. The rents also differed; being in the form of Batai, money rent or fixed grain rent.

The Tenancy Committee had arrived at the conclusion that the tenant population was estimated at 40% of the landowning class. The Committee held that the aim of tenancy legislation should be to "harmonize relations between the landlords and the tenants and not to widen the gulf between them". After careful consideration, it came to the conclusion that the Bombay Tenancy legislation should be accepted as a model, because it was "a just and mild enough measure". On the recommendations of that Committee, the Hyderabad Asami Shikmis Act in Fasli 1354 (1945) was enacted. The enforcement of this Act was half-hearted with the result that the benefits which were sought to be conferred on the tenants could not reach them. The agrarian unrest therefore continued. After the Police Action, the Hyderabad Government appointed the Agrarian Reforms Committee to go into the whole question again. In the light of the recommendations of that Committee, the *Hyderabad Tenancy and Agricultural Lands Act, 1950*, was enacted. It repealed the Asami Shikmis Act, 1945. Even this Act has been amended several times after its enactment.

2. *The Hyderabad Tenancy and Agricultural Lands Act, 1950:*

The Hyderabad Tenancy and Agricultural Lands Act, 1950, came into force on the 10th June 1950 on which date it was published in the Official Gazette. It has been amended frequently. The Act has followed the broad pattern of the Bombay Act with the result that several provisions are similar to those found in the Bombay legislation of 1948. For example, the provisions regarding protected tenancy, right to trees, house-sites and dwelling places, remission and suspension of rent, termination of tenancy under certain conditions, restrictions on transfer of land, management of uncultivated and improperly cultivated lands, etc.

Apart from the similar provisions pointed out above, the Act has certain distinguishable features of its own. The salient features of the Act are (1) introduction of family holding, (2) reduction of rents and their fixation in multiples of land revenue, (3) restrictions on resumption of lands for personal cultivation, (4) ceiling on holdings, etc. The Act repeals the

Prevention of Agricultural Land Alienation Act, 1349F, and the Hyderabad Asami Shikmis Act, 1354F.

3. *Definitions:*

It is necessary to know the definitions of expressions peculiar to Hyderabad. The term '*agriculture*' includes horticulture, the raising of crops, grass, or garden produce, dairy farming, poultry farming and stock breeding, but does not include the cutting of wood only. Another important term is '*basic holding*' which means a holding the area of which is equal to one-third of the area of the family holding determined under section 4 for the local area concerned. The expression '*family holding*' means a holding the area of which is equal to the area determined for any class of land under section 4 as the area of a family holding for the class of land of which the holding consists in the local area in which it is situate. The expression '*year*' means any year ending on the 30th June or such other date as may be appointed by notification in the Jarida.

4. *Family Holdings:*

Before determining the family holdings, Government by notification will constitute any area as a local area; and then determine for all or any class of land in the local area, the area of a family, which a family of five persons including the agriculturist himself, cultivates personally according to local conditions and practices and with such assistance as is customary in agricultural operations and which area will yield annually produce, the value of which, after deducting 5% therefrom as the cost of cultivation, will be Rs. 800 according to the price-levels prevailing at the time of determination. The extent of land which should be regarded as a family holding for each class of land in the local areas shall be determined by the State subject to the limits specified below:

Limits:

(1) *Wet lands:* single crop each year, all kinds of soils:

- | | | |
|--|--------|---------|
| (a) Classification of 8 annas or above | ... | 6 acres |
| (b) All other classes | ... .. | 9 acres |

(2) *Dry land:*

(a) *Black cotton or laterite soils:*

- | | | |
|---|--------|----------|
| (i) Class I with soil classification of
8 annas or above | | 24 acres |
| (ii) All other classes | ... .. | 36 acres |

(b) Chalka soils:

(i) Class I with soil classification of 8 annas or above	...	...	48 acres
(ii) All other classes	...	...	72 acres

Government is, however, empowered to vary the above limits of the family holding where such variation is necessary or expedient to ensure the value of the produce to be Rs. 800.

Before considering these features, it is necessary to dwell upon the few general provisions of the legislation. The Act recognises only two categories of tenants, viz. (1) protected tenants, and (2) Asami Shikmis. The rent includes any consideration payable in cash and/or kind but does not include personal service or labour.

The Act prohibits generally any lease of land after three years from the commencement of the Act on the 10th June 1950 with the result that no tenancy can be created thereafter. A landholder holding land the area of which is equal to or less than three times the area of the family holding for the local area concerned may, however, lease the land held by him. Such leases will, however, be for a period of 5 years and automatically renewable for a further period of 5 years except in the leases permitted in the case of minors, females, persons with physical or mental disability, persons in active service in the Naval, Military or Air Force and persons temporarily prevented from cultivating land. Every lease made within three years of the coming into force of the Act is to be deemed to have been made for ten years. And all leases made in contravention of the Act are to be void. Sub-division, sub-letting and assignment of the lands are prohibited.

5. *Rent:*

Notwithstanding any agreement, custom, usage or order, etc., the concept of rent is linked with the multiples of assessment fixed in land in accordance with the recommendations of the Planning Commission. The provisions about rents for different categories of lands are as under:

<i>Categories of land</i>			<i>Multiples of land revenue</i>
(a) Dry land of Chalka soil	...	...	4
(b) Dry land of black cotton soil	...	...	5
(c) Baghat	...	...	3

<i>Categories of land</i>	<i>Multiples of land revenue</i>
(d) Wet land—	
(i) irrigated by wells	3
(ii) irrigated by other sources	4
(e) Classes of land which do not fall with- in (a) to (d).	Reasonable rent determined hav- ing regard to the classes of land and the rent fixed under them.

Lands irrigated by wells which are assessed as dry shall be deemed to be wet lands for this purpose.

Rent payable by a tenant shall, on the multiples stated above, be the rent agreed upon between such tenant and his landholder or in the absence of any agreement, the rent payable according to usage in the locality. This reasonable rent shall not in any case exceed 1/4th in the case of irrigated land except lands under wells and 1/5th in the case of all other classes of land of the value of the average annual produce of the land excluding fodder during the three years immediately preceding the year of dispute.

Rent is payable either in cash or in equivalent produce grown on the land estimated according to the marketing value thereof. Receipt of rent in terms of labour is prohibited. Except the rent, no other cesses are recoverable from a tenant.

6. *Termination of Tenancy, etc.:*

The provisions relating to termination of tenancy, the bar to eviction from a dwelling house, a tenant's right of purchasing the site on which the dwelling house is put up, right to plant trees and their produce, etc., generally follow the pattern of the Bombay Act.

7. *Protected Tenants:*

The tenants who held land for not less than six years (a) during the years 1932 to 1942, (b) on the 1st January 1948, and (c) the 6th October 1943 and cultivated such land personally have been deemed as protected tenants, except in the cases where a landholder is a minor or a person in the armed forces or a person permanently disabled from cultivating land

unless such minors attaining majority or armed service man on ceasing to be in the force or the successor on the death of a disabled man applies within one year for termination of the tenancy for personal cultivation. By the Amending Act III of 1956, the persons holding land as tenants at the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1955, are to be deemed protected tenants.

8. *Protected Tenant's Right to purchase Land:*

Under section 38, a tenant is entitled to purchase the landholder's interest in the land held by him (tenant) if he is a protected tenant and is an owner of more than one family holding on payment of the purchase price as stated below.

According to section 38(2) read with section 11 of the Act, the maximum prices prescribed for different kinds of land in multiples of land revenue would be as follows:

- (a) Telangana, dry chalka lands. 60 times the land revenue.
- (b) Telangana wet lands irrigated under flow water or wells. 24 times the land revenue.
- (c) Marathawada and Karnatak dry lands. 75 times the land revenue.
- (d) Bagat lands under wells in Marathawada and Karnatak. 40 times the land revenue.

The maximum price allowed for any land is roughly equal to 40% of its market value. It is presumed that a protected tenant has already got 60% interest in the land and the landholder's interest which is sold to him amounts only to the remaining 40%. This price is payable in 16 instalments spread over not more than 8 years. Thus the annual commitment of a tenant for acquiring ownership under the scheme is equal to or less than the reasonable rent payable by him.

If such a tenant desires to purchase the land, he has to make an offer to the landlord stating the price he is prepared to pay. If the land-holder refuses or fails to accept the offer and to execute the sale-deed within three months from the date of the offer, such a tenant may apply to the Tribunal for determination of the reasonable price of the land. Thereupon, the Tribunal shall make formal inquiries and determine the price, having regard to the improvements made by him. Then, the price so determined is to be deposited by the tenant either in lump sum within the period fixed by the Tribunal or in such instal-

ments not exceeding 16 spread over a period not exceeding 8 years and on or before such dates fixed by the Tribunal. Whenever land revenue due on the land is suspended or remitted by Government, any instalment of the price on such land held by the protected tenant shall be similarly postponed. During the payment of instalments of price, the tenant shall have to pay land revenue thereof to Government, till the instalments are paid.

If the tenant fails to pay the entire amount within the period fixed above or the same is not recovered from him, the purchase by the tenant shall not be effective and he shall forfeit the right of purchase of the land. And the amount paid by him in instalments shall be refunded to him with 3% interest with land revenue paid by him after deducting therefrom rent due from him for the period. But if the default in payment is for a sum less than 1/4th of the price fixed by the Tribunal, he shall retain the right of purchase and the amount shall be recovered as arrears of land revenue.

But this right of a protected tenant to purchase the land is subject to the following conditions:

- (a) If the tenant does not hold any land as a landholder, the purchase shall be limited to the extent of the area of a family holding for the local area concerned.
- (b) If he holds any land as a landholder, the purchase shall be limited to an additional area which would make his owned land and the purchased land equal to an area of a family holding. If there is any excess land after purchase, such a tenant is to be given first preference for purchase.
- (c) After purchase of land by a protected tenant, the extent of the land remaining with the landholder for personal cultivation or otherwise, shall not be less than two times the area of a family holding for the local area concerned.

But the above conditions will not apply to purchase of land on payment of a reasonable price agreed to between a landholder and a protected tenant. If the landholder in the process does not sell the entire land held by him but retains some land with him, the extent of the land remaining with him after the purchase of the land by a protected tenant for personal cultivation or otherwise, shall not be less than the area of a basic holding for the local area concerned and the right of a protected tenant is limited to the extent of three family holdings including the land owned by the protected tenant.

The above conditions also will not apply to the lands relinquished by a landholder in favour of a protected tenant without consideration. But the protected tenant's right to purchase such land is limited to the extent of three family holdings including land owned by him and any excess land over that area shall vest in Government free of all right of the said protected tenant. If a landholder does not relinquish the whole of the land held by him but retains a portion thereof, the extent of land remaining with him after relinquishment should not be less than the area of a basic holding for the local area concerned.

The Act also prescribes the minimum holding in the case of sale (section 38C) and the procedure for sale of land by a landholder to the protected tenant (section 38D).

9. *Compulsory Transfer of Ownership of Lands to Protected Tenants:*

Redistribution of land in this region is being attempted in two ways. One is the compulsory transfer of ownership of land to certain classes of tenants subject to payment of a reasonable price in easy instalments. Another is the assumption of management or acquisition of lands held and personally cultivated by surplus landholders in excess of the prescribed ceilings and their distribution to landless persons on very easy terms. The compulsory transfer of ownership of lands to protected tenants is taken up first.

The provision for making the protected tenant the landholder is found in section 38E of the Act and the Hyderabad Transfer of Ownership Rules of 1955. Government may, by notification in the Jarida, declare that in a particular area, the ownership of all lands held by protected tenants which they are entitled to purchase from their landholders, subject to the conditions cited above [*vide* section 38(7)], stand transferred to and vest in the protected tenant and from that date, such tenants shall be deemed to be the full owners thereof. For the Aurangabad district, the 26th January 1956 was notified as the date of transfer of ownership to the protected tenants under section 38E. For the entire State, that section had come into force from the 12th March 1956. Except in the case of inam land where Government permission is necessary, the Tribunal shall issue a certificate to that effect.

After such a notification, the landholders concerned have to file, within 90 days, an application before the Tribunal for

determination of the reasonable price of the land so transferred. And all the provisions of section 38(4) to (8) for recovery of price apply to such application. If the tenant commits default in payment, the amount shall be recovered as an arrear of land revenue and paid to a landholder. If the whole or part of the price is not recoverable, the transfer shall not be effective and the amount, if any, recovered from the tenant shall be refunded to him with 3% interest with the land revenue after deducting therefrom the rent due from him during the period.

The rights of the protected tenants in lands held by them are heritable and can be exchanged amongst themselves. They have a right to erect farm houses on the land held by them. They can create a mortgage or a charge on their interest in the land in favour of Government for Tagavi loans.

It should be noted that section 38 gives the protected tenants an optional right to purchase the land. Section 38E, however, empowers Government to notify certain areas where ownership of lands is to be compulsorily transferred to tenants entitled to it from the notified date. All the conditions imposed for the optional right equally apply to the compulsory transfer of ownership. The notification of any area under section 38E would, however, make the following difference:

- (1) It is not necessary for any tenant to make an offer to the landholder [*vide* section 38(2)] or to apply to the Tribunal [*vide* section 38(3)]. These two stages are skipped over and the third stage under sub-section (4) thereof starts as if all the tenants have given notices to the landholders and on the failure of the landholders to respond have applied to the Tribunal.
- (2) Government takes the initiative and the Tribunal of its own accord decides in the case of each tenant his title to purchase, the extent of the land he can purchase and the price he will have to pay.
- (3) The notification under section 38E overrides the provisions of sections 38C and 44 with the result that the land liable to be transferred under section 38E does not remain subject to the landholder's right of resumption for personal cultivation.
- (4) The final decision for transfer of ownership in any case might be taken at a later date.

No special conditions are imposed on the new owner who purchases land under this scheme. For all purposes, he is a

full-fledged owner from the notified date subject only to the payment of instalments of the reasonable price on the due dates. He can cultivate the land personally or even lease it out to tenants, as any other landholder is entitled to do subject only to the provisions of the Act.

10. *Landholder's Right to terminate Tenancy:*

A landholder may apply to the Collector or any officer authorized in his behalf to terminate the tenancy and resume land, if, on the coming into force of the Amendment Act of 1954 (i.e. on the 4th February 1954, the date on which the Act was published in the Gazette), he was not cultivating land personally an area equal to three times the family holding and who in good faith requires land leased out to a protected tenant for cultivating personally. The resumption of the land is restricted to the extent of the three family holdings inclusive of the area owned or leased. But after the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1955 (i.e. 12th March 1956), no such landholder is entitled to exercise the right of resumption unless he has, within a period of one year from 12th March 1956, filed with the Deputy Collector, a statement of reservation demarcating the lands which he reserves for the exercise of the right of resumption. After inquiry, the Deputy Collector shall reserve the area for resumption and thereafter, the right to terminate tenancy shall be exercisable in respect of such resumed lands only.

The landholder's right to terminate tenancy of a protected tenant is limited to an area which would leave with such tenant an area which together with the land owned by him or cultivated by him as a tenant, would be equal to a basic holding for the local area concerned. But where by such resumption the land to be left with such tenant is less than a basic holding, the landholder's right to terminate the tenancy is limited to half the area of the land leased out by him to the said tenant. However, where the area owned and leased out by a landholder is less than a basic holding, the landholder will be entitled to resume the entire land leased by him. In such cases, there will be compulsory eviction of tenants from the lands under their cultivation but such cases will be very few and far between.

The right to resume land for personal cultivation is subject to a further condition that a landholder is not entitled to resume more than a family holding unless the income by the cultivation of such land will be the main source of income of the landholder for his maintenance.

The right to terminate tenancy of any protected tenant shall cease after five years from the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1954 (i.e. from 4th February 1954).

The tenancy of the land left with a protected tenant after termination is not at any time liable to be terminated by a landholder for personal cultivation. Thus, there will not be frequent resumption and disturbance of the cultivating possession of the tenants. But a protected tenant of any land reserved for resumption is entitled within the said period of five years to exercise his right to purchase under section 38 the land held by a landholder in excess of two family holdings provided that such landholder before the expiry of a three-month notice, selects the land which together with the land, if any, which he is cultivating personally is equal to the area of three family holdings and also initiates proceedings for its resumption.

But a landholder is not entitled to terminate the tenancy of a protected tenant who is a member of the co-operative farming society.

If the landholder fails to cultivate within one year the land so resumed, he has to restore possession of the land to the dispossessed protected tenant.

In future, all alienations and transfers of agricultural land would require sanction or confirmation of the Collector. There are additional restrictions where an alienor or a transferee is a non-agriculturist.

11. *Management of Lands:*

Government is empowered by notification in the Jarida to assume management of the lands which have remained uncultivated through the default of the landholder or the tenant or which has suffered for any cause whatsoever, which is not reclaimed or which has remained as a pasture land in excess of the ordinary grazing requirements of village cattle. These provisions follow generally the pattern of the Bombay Act.

12. *Census of Land Holdings:*

The Act empowers Government to undertake a census of land holdings and details of cultivation and all persons having interest in land are obliged to give the necessary information. Such a land census has been completed in 1953-54 and its pro-

visional data as published by the Planning Commission have been dealt with in the last chapter

13. *Efficient Management of Lands:*

For efficient management of the lands, Government is empowered to make rules for regulation of the standards of efficient cultivation and management. Such rules are to apply generally to agriculturists who cultivate personally land equal to three times the family holding or more.

Ceilings on Existing Holdings:

Alongside with the Government's compulsory transfer of ownership scheme (scheme 38-E), the Amending Act of 1954 provides for imposition of ceilings on existing holdings of landlords (section 53C and G). The ceiling on the *existing land* holdings is fixed at $4\frac{1}{2}$ family holdings. For *future acquisition* of land, it is 3 family holdings. A family holding has been defined as an area of land which would yield to the occupant a gross produce of Rs. 1,600 or a net income of Rs. 800 per annum in any local area. Such areas of family holdings have been determined for different local areas of the State, under sections 3 and 4 of the Act. Having determined the family holdings and the acreage to be retained by the landholders in different local areas, the extent of the land owned, its location and character in respect of each substantial holder, was completed through the census of land holdings. The extents of the family holdings fixed vary from 21 to 60 acres for dry lands and 6 to 9 acres for irrigated lands.

The procedure for enforcement of the ceilings is prescribed under the Hyderabad Assumption of Management and Acquisition of Surplus Lands Rules, 1955. In the case of the lands, exceeding $4\frac{1}{2}$ family holdings, Government is empowered for a public purpose to assume management of those surplus lands *held by a holder and not in occupation of tenants*, unless it is considered by Government or any officer delegated with the powers of Government that the lands are so effectively cultivated and managed according to the standards prescribed under section 53B that a break-up will lead to a fall in production. This exception is to apply only to compact holdings. The standards of efficient cultivation and management have not yet been prescribed. As a result, all compact holdings will have to be exempted from the enforcement of holdings for the time being. The expression 'public purpose' includes settlement of

landless cultivators, development of co-operative organisations and increasing the efficiency of management.

But before assumption of management, Government has to give a three-month notice to the landholder of the intention to do so, and to consider any representation received in the matter. After assumption, provision has been made for appointment of a manager for the property and payment of compensation. For the purpose of management of such properties, Government is empowered to appoint a Village Panchayat or a Co-operative Farming Society as manager.

Further, Government is empowered to *acquire* the lands the management of which it can assume under section 53C subject to the payment of reasonable price of the lands which is not to exceed 20 times the recurring payment of rent. Government may issue bonds towards payment of the whole or part of the compensation under section 53G(2). The price payable under sub-section (3) thereof may also be collected from the persons to whom the lands are distributed.

The scheme of transfer of ownership to the protected tenants and the enforcement of the ceilings are two phases complementary to each other. As a result, no landholder would be left with land more than $4\frac{1}{2}$ family holdings under personal cultivation or land held above 2 family holdings which had been leased out. In this scheme of things, there was a legislative gap. It occurred where a landholder had leased out excess lands to ordinary (non-protected) tenants or where, even a protected tenant was not entitled to transfer of ownership because of his own holding. In the latter case, the protected tenancy continued. But if the former were allowed to continue, it would have been a loophole for evading the ceiling provisions. Before the reorganisation of States, the State passed an amendment to provide that all ordinary tenants holding lands on lease from landholders who own more than 3 family holdings should be deemed to be protected tenants.

14. *Priorities in Disposal of Surplus Lands:*

In leasing out the lands assumed under management preference shall be in the following order:

- (a) co-operative farming societies,
- (b) agricultural workers working on the said lands,
- (c) landholders or tenants who cultivate personally less than a family holding, and

(d) other landless persons residing in the village.

Such lessees are given the right to purchase lands like the protected tenants, subject to the condition that the extent of land left to a landholder shall not be less than three times the area of a family holding. The reasonable price payable therefor to a landholder shall not exceed—

- (1) 20 times the recurring payment payable as compensation under section 53C(7) for dry lands;
- (2) 12 times such amount in the case of wet lands irrigated by wells;
- (3) 9 times in the case of wet lands irrigated by other sources;

but shall not exceed the market value of the land in the locality.

Government has taken powers to acquire lands the management of which it can assume under section 53C subject to payment of reasonable price payable in bonds. Further, Government is empowered to distribute the acquired lands to the persons in the order of priorities set forth above.

15. *Agricultural Lands Tribunal:*

The Act provides for enabling Government to constitute by a notification in the Jarida an Agricultural Lands Tribunal on the lines of the Bombay Act.

16. *Land Commission:*

Unlike Bombay, there is a provision in the Act for constitution of the Hyderabad Land Commission. The Commission is to consist of not more than seven persons of whom—

- (a) three are to be elected by the Legislative Assembly.
- (b) one is to be nominated by the Government; and
- (c) the rest shall be nominated by the Government amongst persons having special knowledge or practical experience in agricultural or land problems.

The term of office of the members is generally two years, which may be extended by Government by one year. The Chairman is nominated by Government from those members.

The Commission has to function as an advisory body. It has to advise Government in the matter of fixing the extent of the basic and family holdings, the assumption of management or acquisition of land by Government, prevention of fragmentation, consolidation of holdings, and all matters relating to the formation of the agrarian policy of the State.

Below the State Land Commission, Government is empowered to establish an Area Land Commission for a district or a part of a district and in consultation with the State Land Commission, determine the composition, functions and powers of the Area Land Commission. Accordingly, the State Land Commission was appointed by the Hyderabad State. Its term expired on the 30th September 1956. The question regarding the extension of its term will have to be considered by Government.

17. *Exemptions from the Provisions of the Act:*

The Act does not apply to the following categories of lands:

- (a) the lands leased, granted, alienated or acquired in favour of or by Government, a local authority or a co-operative society,
- (b) the lands held on lease for the benefit of an industrial or commercial undertaking,
- (c) the service inam lands,
- (d) the inams held by religious or charitable institutions,
- (e) any area which Government may notify in the Jarida as reserved for the urban, non-agricultural or industrial development (section 102).

18. *Special Features of the Legislation:*

We have noticed that when the Act was enacted in 1950, it followed broadly the Bombay Act in its provisions. But its subsequent amendments have added special features not found in the Bombay Act. The distinguishing features of the Act are succinctly summarized below:

(1) Unlike the Bombay Act, this legislation provides for the appointment of a Land Commission at the State and the district levels for formulating agrarian policies.

(2) The Bombay Act completely prohibits leasing of land except in the case of minors, widows, persons in armed forces and disabled persons. But in the Hyderabad Act, leasing is permitted if a landholder holds land which is equal to or less than three times the area of the family holding [section 7(1)].

(3) In the former, the rent is payable in cash only, whereas in the latter, it is payable in kind also [section 12(2)].

(4) In both, the rent is related to land revenue, but in the former, the maximum rent is five times the assessment payable

for the land or Rs. 20 per acre whichever is less and the minimum is two assessments without distinction of the classes of lands. However, the latter Act prescribes the maximum rent in respect of dry and wet lands separately, which varies from 3 to 5 times the land revenue. The reasonable rent, however, is not to exceed $\frac{1}{4}$ th in the case of irrigated land except land under wells and $\frac{1}{5}$ th in the case of all other classes of land of the value of the average annual produce of the land excluding fodder (sections 11 and 12).

(5) After the Tillers' Day (1st April 1957), in the former, there will be no tenants except in the few cases provided; but in the latter, tenants will continue to exist unless Government exercises its powers to transfer ownership of the lands held by the protected tenants to them (section 38E).

(6) In the former, tenants other than permanent tenants on compulsory purchase have to pay price between the limits of 20 and 200 multiples of assessment fixed on the land. But in the latter, the purchase price is related to the rent payable for different classes of lands as set forth below:

- (a) 15 times the rent for dry lands,
- (b) 8 times the rent for wet lands irrigated by wells,
- (c) 6 times the rent for wet lands irrigated by other sources [section 38(2)].

Besides, in the former, such price is payable in 12 annual instalments by the non-permanent tenants before such dates as may be fixed by the Agricultural Lands Tribunal, whereas in the latter, it is payable in 16 instalments within a period of 8 years [section 38(5)(b)].

(7) In the former, we have the concepts of 'economic holding' and 'ceiling area'; whereas in the latter, the relative concepts are the 'basic holding' and the 'family holding'. The ceiling area or the family holding is thrice the economic holding or the basic holding. There is not much difference in the extent of areas constituting such holdings, viz.—

Ceiling area in Bombay
48 acres of jirayat land.

Family holding in Hyderabad
Chalka soils
Class I with soil classification
48 acres of 8 annas
72 acres—All other classes.

<i>Ceiling area in Bombay</i>	<i>Family holding in Hyderabad</i>
24 acres of seasonally irrigated land or paddy or rice land.	<i>Dry land</i> <i>Black cotton—Class I</i> 24 acres with soil classification of 8 annas 36 acres—All other classes.
12 acres of perennially irrigated land.	<i>Wet land</i> <i>Single crop each year—all kinds of soils</i> 6 acres—classification of 8 annas or above 9 acres—All other classes.

Except in the case of wet lands, the extent of the areas constituting the maximum and minimum holdings broadly conform to the same pattern.

(8) The provisions relating to the landlord's right to hold lands either on termination of tenancy of a protected tenant or transfer of occupancy rights to the protected tenants and the protected tenant's right to purchase the lands under his cultivation broadly conform to the similar provisions in the Bombay Act (sections 38, 38E and 44). A landholder is allowed to terminate the tenancy of a protected tenant for personal cultivation of such land or a portion thereof that would together with the land which he is already cultivating personally either as owner or a protected tenant, be equal to three times the family holding [section 44(1)]. The right of a protected tenant to purchase the lands held by a landholder is limited to an area of a family holding, if he does or does not hold any land as owner. But in this process, the lands to be left with the landholder should not be less than two times the area of the family holding for the local area concerned [section 38(1) and (7) and 3].

Like the protected tenants, persons to whom lands which are taken over by Government for management under section 51 or section 53C are leased, are also entitled to purchase such lands subject to the conditions—

- (a) that the extent of land left to the landholder shall not be less than three times the area of the family holding, and
- (b) that the reasonable price payable to the landholder shall not exceed 20 times the recurring payment payable as compensation under section 53C(7) for dry lands, 12 times

in the case of wet lands irrigated by wells and 9 times in the case of wet lands irrigated by other sources (section 53F).

Such rights are not given to the lessees of land under the management of Government.

(9) In compulsory purchase of lands on the 1st April 1957, in Bombay, the tenants who are unwilling or unable to purchase the land are liable to be summarily evicted by the Collector. But in the transfer of ownership of lands to the protected tenants, there is no such provision in the latter Act (section 38E).

(10) In the former Act, a landlord is given a right subject to certain conditions to terminate the tenancy of any land (except that held on permanent tenancy) for (a) personal cultivation, and (b) non-agricultural purposes. In the latter Act, however, the right to terminate a protected tenancy is given for resumption of lands for personal cultivation only (section 44).

(11) Unlike the Bombay Act, the latter Act makes detailed provisions regarding the consolidation of holdings (Chapter VII), land census (section 53A) and co-operative farms (Chapter VIII). Bombay, however, has a separate legislation for the consolidation of holdings.

(12) In the former Act, Chapters III-A and V-A have been inserted for exempting from certain provisions of the Act (a) the leases of lands put to industrial or commercial undertakings, co-operative societies or cultivation of sugarcane or fruits or flowers, and (b) construction of water courses through lands of others. In the latter Act, there are no detailed provisions in these respects.

(13) In the former Act, we have a long list of exemptions provided in regard to (a) the provisions of the Land Tenures Abolition Acts, (b) Government and other lands, (c) lands transferred to or by the Bhoodan Committee, (d) lands of local authorities, universities and trusts, and (e) lands leased by persons with an annual income not exceeding Rs. 1,500. In the latter Act, the exemption list which is embodied in section 102 is not so comprehensive.

To sum up, the Hyderabad legislation is comprehensive in its provisions and may be said to conform to the broad pattern of the Bombay Act with certain variations to meet local conditions.

CHAPTER 19

THE BHOODAN MOVEMENT¹ AND LAND DISTRIBUTION

1. *Objective of Bhoodan:*

In order to reduce inequalities in the distribution of land, legislative measures for abolition of the land tenures and the fixation of the ceilings on the land holdings have been adopted by the State Governments. But these two measures do not solve the problem of landless labourers. Schemes of land distribution are likely to confer somewhat restricted benefits on agricultural workers other than tenants because in any scheme of this nature, the tenants cultivating the lands would get the first chance to get those lands. In this context, the contribution of the Bhoodan Movement as one of the schemes of land distribution to the landless has got a special value. This movement is a reminder that the land problem cannot be solved by legislation alone. Even the First Five-Year Plan has recognised the importance of the movement.²

In essence, the Bhoodan Movement attempts at abolition of the concept of private ownership in land; because its fundamental principle is that all land belongs to God (सब भूमि गोपालकी). The man is only a trustee of the land which should be treated as a social agent of production, and the individual ownership over land should ultimately disappear.

2. *The modus operandi:*

Its *modus operandi* is voluntary. There is neither compulsion nor force used in obtaining donations of land. The Bhoodan is a "loot by love". As a first step, one-sixth of the land is demanded in donation. In the second stage, the idea that the land should belong to the actual tiller is propagated. A landholder is entitled to keep only land which can be cultivated personally by him. The excess land should be donated as Bhoodan for the landless. In the third stage, all the lands belong to the village community and are entrusted to the village panchayats for efficient management. The village pancha-

¹ For the origin and development of the movement, please see author's book *Indian Land Problem and Legislation*.

² The First Five-Year Plan, p. 193.

yat will set apart lands for public purposes such as grazing area, playgrounds, cremation grounds, etc.

The gifted lands are generally of the categories stated below:

- (1) lands under personal cultivation of the donor,
- (2) lands though cultivable but not under cultivation,
- (3) tenanted lands,
- (4) lands of inferior quality, and
- (5) lands under dispute.

These categories are only illustrative and not exhaustive. The information of the lands under these categories is not available because the Bhoodan Patra prescribed by the Bhoodan Committees does not require the category of the land donated to be specified. It would be better if the Committees prescribe the specification of the category of the land. Perhaps, the Committees do not want to look a gifted horse in the mouth! Be that as it may, the people out of whatever motive, have donated and are donating lands, which are distributed to the wholly or partially landless, having no financial wherewithal to purchase lands on their own.

According to the 1951 Census, the percentages of the landless labourers living upon casual agricultural labour in the State were as follows:

					<i>Percentage</i>
Gujarat	...	...	...	...	10.5
Saurashtra	...	...	...	...	5.3
Kutch	...	...	...	...	3.4
Maharashtra	...	...	...	...	13.2
Vidarbha	} Not available.				
Hyderabad					

Saurashtra was found to be the least rural and Kutch the most rural amongst the natural divisions of Western India. These cultivating labourers are to be settled on land either by legislation or voluntary effort like the Bhoodan.

Since the starting of the movement in April 1951 in the Telangana district of the Hyderabad State, efforts were concentrated on obtaining lands in donation. Now that considerable areas have been received, attention is being concentrated

on the distribution of such lands. The method of distribution of lands is essentially the same as under the Government laws and executive orders with one fundamental difference that no occupancy price is charged for grant of land to the landless or partially landless under the Bhoodan movement. However, the grant of land is hedged with certain conditions. The holder of such land has to cultivate the land himself and cannot keep it waste. Further, he cannot sell, mortgage or create any encumbrance on the land.

3. *Distribution of Donated Lands:*

Since the distribution of the donated lands is vital to the success of the movement, it is necessary to know the main rules for the land distribution. They are stated below:

- (1) The date on which the land is to be distributed is announced by beat of drum or leaflets in the village.
- (2) The revenue officers from Talati to the Collector and the village panchayat members may attend the function.
- (3) As far as possible, one-third of the land is given to the Harijans.
- (4) As far as practicable, the land is given to the landless of that very village. After distribution to the landless, the excess land may be distributed amongst the landless of the adjacent villages. Such lands are to be given to persons who are capable and willing to cultivate land personally.
- (5) For a family of 5 persons, 1 acre of irrigated land or $2\frac{1}{2}$ acres of dry land should be granted. Under special circumstances, land exceeding 5 acres may also be given.
- (6) Attempt should be made to consolidate the scattered lands into the compact block. If small parcels of land cannot be given for cultivation, they may be assigned for manure pits, public latrines, etc.
- (7) The lands, which are cultivable, should be liable to payment of land revenue to Government from the day of grant.
- (8) If such lands remain uncultivated for a period of 2 years, it will be open to Government to grant them to other landless persons.
- (9) Three-year period is fixed for making cultivable virgin lands, waste lands or khar lands, so donated.

These are the main principles of distribution of lands received in the Bhoodan. In order to facilitate and legalise the distribution of lands, the Bhoodan laws have been enacted in Saurashtra, Madhya Pradesh, Uttar Pradesh, Vindhya Pradesh, Rajasthan, Bihar, Orissa, etc.

4. *Bhoodan Legislation:*

In order to facilitate the distribution of the donated lands, as stated before, the State Governments of Saurashtra, Bihar, Uttar Pradesh, Madhya Pradesh, Rajasthan and Orissa have enacted legislation. The Acts generally provide a Bhoodan Yagna Committee for the State with a Chairman and members nominated by Shri Vinoba Bhave, subject to approval of Government. The Committee has to administer all such lands. The law provides for exemption from court-fee stamps required in the transaction.

In the Bombay State, the Bhoodan legislation was considered by the State Government in 1954. But the legislators and Bhoodan workers opposed the legislation on the ground that since the donations were made without the mediation of the Government agencies, it was only fair that the distribution of the gifts amongst the landless should be made by the Bhoodan workers in consultation with the village people.³ There was also the constitutional objection that provision could not be made in the Bill for permitting Shri Bhave to nominate the members of the Bhoodan Board or Committee. As a result, the Bill framed for the purpose was dropped on the understanding that the necessary provision would be made at the time of amending the tenancy legislation. Accordingly, the amended section 88A of the Tenancy Amending Act of 1955 enacts that the provisions of the Act shall not apply to lands transferred to or by a Bhoodan Samiti recognised by the State Government in this behalf. This is a practical solution of the difficulties which arose in undertaking the legislation in the matter.

The Saurashtra Bhoodan Yagna Act, 1953:

The Saurashtra Government has enacted in 1953 a special Bhoodan legislation on the lines of the other States.

The Act is called the Saurashtra Bhoodan Yagna Act, 1953. It extends to the whole State. It provides for establishment of a Bhoodan Yagna Committee having perpetual succession and

³ *The Times of India* dated 17-9-1954.

common seal with capacity to acquire, hold, transfer and administer moveable and immoveable property and of entering into contracts. The Committee shall consist of a Chairman and members not less than four and not more than nine, to be nominated by Shri Acharya Vinoba Bhave. If a Chairman or a member is not nominated within the prescribed time, Government shall appoint such person in consultation with the Sarva Sewa Sangh, Wardha. The nomination of such persons shall be notified in the Official Gazette. The tenure of the Chairman and the members shall be for four years from the date of the notification and they shall be eligible for re-appointment or re-nomination. If at any time, Government is satisfied that the Committee has failed to discharge its duties, etc., Government may by notification in the Gazette dissolve and re-constitute the Committee.

This Bhoodan Committee shall administer all lands vested in it for the benefit of the Bhoodan Yagna. Lands can be donated by holders who are defined (1) as any Girasdar in respect of any alienated land other than Gharkhed land or land allotted to a Girasdar for personal cultivation under the provisions of the Saurashtra Land Reforms Act, 1951, and (2) in respect of any other class of land, its occupant. All Bhoodan declarations are to be filed with the revenue officer who would make summary inquiry into the right, title and interest of the donor in the land donated. Objections, if any, are to be filed within 30 days of the publication of the declaration. Gram Panchayat will be associated at the time of inquiry into the objections. On hearing the parties, the revenue officer shall either confirm or supersede the Bhoodan declaration. If it is confirmed, all rights, title and interest of the declarant will vest in the Bhoodan Committee. If it is superseded, the donation shall stand cancelled.

The Act prohibits the donation of the following categories of lands:

- (1) common pasture lands, cremation or burial grounds, tank, path-way or threshing floor,
- (2) lands with lifetime interest of the holder, and
- (3) such other lands to be notified by Government.

If any lands are donated prior to the commencement of the Act, those donations are legalised after detailed inquiry.

In the distribution of such lands, landless persons are to be given lands. All such grants shall be made in accordance with the scheme of the Bhoodan Yagna. Such Bhoodan declarations

and grants of land are exempted from payment of stamp duty and from registration or attestation under law relating to registration and execution of documents.

The Act empowers Government to frame rules and remove any difficulty arising out of the implementation of the Act.

Under the Act as it stands, the donated lands are to be given to the landless persons only.

On the above lines, the Madhya Pradesh Bhoodan Yagna Act, 1953, was enacted. As the provisions of this Act are quite analogous to those of the Saurashtra Act, there is no need to repeat them here.

As stated above, the Bhoodan movement started in Hyderabad (Telangana) in 1951. In order to regularize the donations, the Hyderabad Government framed special Rules, which are to remain in force till August 1957. For a land to be donated, it has first to be relinquished by the donor and the Tahsildar has to make an attestation to that effect. The work of distribution of the donated lands is done by a Central Committee aided by several local committees.

5. *Progress of the Movement:*

In Gujarat, Sarvashri Ravishankar Maharaj, Babalbhai Mehta and Narayan Desai are the guiding stars of the movement. In Maharashtra, Sarvashri Dada Dharmadhikari and Shankarrao Deo propagate the idea of the Bhoodan. They are moving from village to village in different districts. Similarly, in Saurashtra and Kutch, the Bhoodan workers are trying their best to obtain Bhoodan and other dans. In Vidarbha and Marathawada, the workers of the Sarva Sewa Sangh, Wardha, keep the banner of the Bhoodan aloft by sustained efforts.

According to the latest available statistics, the lands donated in the Bhoodan movement upto the end of May 1956⁴ are as under:

Region (1)	Bhoodan in acres (2)	Lands dis- tributed (3)	Sampatti- dan (4)	Gramdan (5)
Gujarat	44,907	10,468	27	..
Saurashtra* and Kutch	31,151	6,639	..	..
Maharashtra	30,846	3,983	3	..
Vidarbha	75,116	23,051	..	..
Hyderabad	1,75,726	45,336	1,204	4

⁴ *The Bhumi Putra* dated 15-7-1956.

* Out of these lands, the Saurashtra Government has donated 25,000 acres of land to the Bhoodan Samiti.

In these land donations, it is true that sometimes, the best lands are donated; but lands which are of inferior quality or are liable to soil erosion by rain and river water or subject to dispute are also given. Donations have come from big landholders but the major part of donations are from small landholders. Whatever may be the quality of the land, it will settle the landless who would be able to make some living out of it. A small piece of land will enable them to supplement their income from other sources. The Bhoodan is the only chance for the landless persons who are without financial resources to acquire land for cultivation on the ownership basis.

The Bhoodan workers who met at Bochasan (Kaira district) in July 1956 have resolved to vigorously push forward the movement and achieve the target of the Bhoodan by the end of the year 1957.

6. *Objections to the Movement:*

The movement is however attacked from several quarters. Here only those objections which relate to the land problem will be considered. To begin with, it is alleged that the lands received in donation are either waste and uncultivable or subject to denudation or erosion by water. Sometimes the lands which are subject to lengthy civil litigation or which are a bone of contention between the adjacent holders or among the member of the family are donated. And for such donations, the donors are praised in the public meetings where donations are declared. It is alleged that mostly the lands of the above categories are received in donations. There is some truth in the contention but it should not be forgotten that such donations settle or end internal disputes and put the landless labourers on the land. It is the experience of the Bhoodan workers that even though the land may be waste and uncultivable, no donee has returned it to the Bhoodan Samiti but has done his best to bring it under the plough and raise crops. In this way, many areas which were treated as waste, uncultivable and of poor quality have been brought under cultivation. This clearly proves existence of land hunger among the landless.

Secondly, it is alleged that the Bhoodan amounts to distribution of poverty. In the context of what is stated above, it would be more appropriate to say that the Bhoodan helps to reduce inequalities in the land holdings by voluntary donations

of lands and relieves poverty, however partially, of persons who are wholly or partially landless by putting them on land and supplying them means of maintenance. Half a bread is better than no bread. If the movement had accentuated the poor conditions of the landless by accepting the Bhoodan, there would have been some justification for such criticism. But the five-year experience of the movement completely belies such apprehensions. Truly speaking, the movement distributes social well-being rather than poverty.

7. Conclusion:

During the last five years, the Bhoodan movement has carved out a distinct niche for itself in the scheme of land distribution. The Planning Commission has appointed a Bhoodan panel for considering the problems arising out of the movement. The persons who pooh-poohed the effort of Shri Vinobaji have begun to admire the movement. The achievements of the movement are not to be measured in terms of the acres of land donated or the Sampatti-dan or Jiwandan received; but they are to be evaluated in terms of the psychological change that the movement has generated throughout India. In the acquisitive society of ours where parties spend huge amounts in costly litigation for possession of one guntha of land, it is no small social change to see people donating lands and villages without any consideration. Besides bringing under cultivation lands which were either waste or remained uncultivated for any reasons, it has created an atmosphere for enacting the major land reforms such as the Land to the Tillers Act of 1955.⁵

⁵ In November 1956, the Sarwa Sewa Sangh, Wardha, in its meeting at Palni has decided to dissolve with effect from 1-1-1957 all the Bhoodan committees, to take no help from the funds and to make the entire Bhoodan movement dependent upon the people (अहं क्रतुः अहं यशः स्वधाऽहम्) (Gita, 9-16). As a result of this resolution, the Bhoodan movement enters into its most revolutionary stage in which the movement would either be stopped or would expand. Although the Bhoodan committees will be dissolved, one publicity committee for publishing the Bhoodan literature in different languages will continue. The Danpatras will hereafter be received by the select band of workers and the publicity committees. Wherever the Bhoodan Boards have been established in the States, such Boards will establish their agencies for distribution of the donated lands. But in the States where there exist no such Boards, the people will be trained to distribute the lands themselves. In villages, the village committees will be formed of the donors of lands and other things. In short, instead of the Bhoodan committees doing the work, the entire village folk will be harnessed in the Bhoodan work. Thus, the base of the movement will be broadened. (The भूमिपुत्र of 15^{12/56})

CHAPTER 20

THE PREVENTION OF FRAGMENTATION AND CONSOLIDATION OF HOLDINGS

1. *Farm Fragmentation:*

The fragmentation of a farm holding into numerous different plots scattered over a wide area is a feature of the field lay-out in countries at all levels of economic development. It is not associated with any particular form of land tenure but is most frequent in over-populated areas. It may be found in countries as highly developed as Switzerland, France, etc. In the eastern Europe, particularly in Poland and the Balkan countries, the process of fragmentation has gone to the extreme lengths. It is widespread in all the Asian countries. In this background, it would appear that the dwarfed and disparate holdings are not peculiar to India. The smallness and the scatteredness of the operating unit in agricultural production has been the biggest single factor which has impeded good cultivation and is responsible for the poor productivity of the Indian agriculture and the low income of the large majority of farmers. As a result, all the Land Reforms Committees appointed by the State Governments have recommended that the consolidation of the dwarfed and discrete holdings is one of the major remedies for increasing agricultural production. The situation is to be remedied by devising measures first to prevent fragmentation in future and simultaneously consolidating the existing fragments.

The causes of fragmentation are generally the traditional field lay-out in the remote past and pressure of population reinforced by the laws of inheritance. The root causes of this process lie in demographic factors. The evils of fragmentation are too well known to need repetition here. It would suffice to say that existence of fragmented holdings prevent rational and profitable cultivation of land. It is one of the fundamental reasons for the low productivity of agriculture in India. In order to remedy this situation, efforts were made to bring the scattered holdings together into compact blocks through co-operative societies. But such attempts on a voluntary basis proved fruitless due to the intransigence of a few cultivators who could not be prevailed upon to give up their ancestral acre of land, even though they were assured of land of equal productivity in a compact block elsewhere.

2. *Gujarat and Maharashtra: Survey of Agricultural Holdings:*

In order to ascertain the size of the agricultural holdings, the Bureau of Economics and Statistics, Bombay, conducted a survey of such holdings in 1948. It covered 334 villages out of the total of 22,700 of the pre-merger Bombay State. It elicited information from 60,892 cultivators, who possessed either as owners or tenants 8,07,246 acres of cultivable land. The survey showed that the average size of the holding for the Gujarat region was 9.08 acres as against 15.06 acres and 15.45 acres respectively for the Deccan and Karnatak. It need not be emphasized that the average size of the holdings does not correctly portray the actual conditions of the holdings. A detailed study of the distribution shows that in the Gujarat region, the small holders (i.e. those having holdings less than 5 acres) form 53% of the total number of cultivators and hold 12.5% of the total area. The survey has further revealed that very few cultivators possessed large holdings but they possessed among themselves a very generous slice of the total acreage of the Bombay State.¹ Subsequent to this survey in 1948, the State Legislature passed many Land Tenures Abolition Acts which have cut down those tall poppies.

The survey revealed that the average size of the fragments per holding in 1948 for the Gujarat region was 4.08 acres as against such size of 4.22 acres and 2.48 acres for the Deccan and Karnatak. The average size of fragments for Gujarat was, however, 2.23 acres as against 3.57 and 6.24 acres for the Deccan and Karnatak.

3. *The Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947:*

In order to remedy the situation, the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, was enacted and enforced from 8th April 1948. The Act applies only to agricultural holdings and not to non-agricultural holdings. The Act attacks the problem from two fronts in that the first part aims at preventing fragmentation in future and the second part at consolidating the existing fragments into compact blocks of manageable size.

¹ *The Bulletin of the Bureau of Economics and Statistics of the Government of Bombay*, January 1949

(a) *Standard Areas:*

In order to prevent further fragmentation of land, the "standard areas" which are the minimum areas of land necessary for profitable cultivation as a separate plot, have been fixed for different classes of lands for all the non-merged and merged areas except in the case of garden land in Panch Mahals. Owing to difference in quality of soil, climate, standard of husbandry and other factors, standard areas so fixed vary from district to district. Broadly speaking, the standard areas so fixed for the different classes of land are as under:

<i>Class of land</i>	<i>Minimum area</i>
(1) Dry crop land ...	1 acre to 4 acres (3 acres for Banas Kantha).
(2) Rice land ...	10 gunthas to 1 acre.
(3) Garden land (bagayat)	20 gunthas to 1 acre for Broach district.
(4) Warkas land ...	2 acres to 6 acres.

Any land which is less than the above standard area is to be treated as a fragment. The standard area is not synonymous with an economic holding. It is the area below which the size of a parcel of cultivable land will not be allowed to diminish in the interests of economic cultivation. The concept of the standard area is not intended to ensure sufficient profits to farmers for the maintenance of themselves and their families by cultivation of a single standard area. But what is hoped by Government is that the cultivation of several standard areas, each of which is paying its cost, may ultimately result in a decent income for a farmer.

In this process of preventing fragmentation, none is deprived of land, however small it may be. As long as a fragment holder cultivates it himself, he is free to do so. His heirs will inherit it. But if he intends to sell or lease it, the Act provides that the fragment must be sold or leased in such a way that it becomes merged in the adjacent field. In case, the adjacent holder is unwilling to take it or offers a low bid, Government would step in and purchase the fragment at the market value to be fixed under the Land Acquisition Act, 1894. The fragment holder is thus safeguarded against any loss on this account. After purchase, Government may lease out the land to the adjacent cultivator, if there is no tenant-cultivator on that fragment. If there is any tenant cultivating such frag-

ment, he is to be continued in the cultivating possession of the same. Thus, the existing rights or interests are not to be interfered with.

The existing fragments are dealt with in this manner. As regards future fragments of land, the Act absolutely prohibits creation of fragments by transfer or partition. Even a Civil Court decree cannot be executed so as to create a fragment. Transactions relating to transfer or partition of land so as to create a fragment are void and the owners thereof are punishable with a fine not exceeding Rs. 250. These provisions effectively prohibit sub-divisions of agricultural land beyond the limit of the standard area fixed by Government. To this extent, they restrict, although they do not change, the traditional laws of inheritance.

(b) *Consolidation of Holdings:*

The prevention of fragmentation is a negative aspect of the scheme. On the positive side, the Act empowers Government to take initiative to frame and execute schemes for consolidation and, where necessary, for redistribution of holdings so as to reduce the number of plots in the holdings.

It should be remembered that the consolidation process has a limited objective. It brings together scattered plots owned by cultivators into compact block or blocks. Every effort is made to form economic holding but this is not always possible. The basic principle is that no man shall be deprived of his land. Where the lands are exchanged, the holder must get land of the same value and productivity. Owing to the pressure of population on land, there are several holders who have uneconomic holdings. They cannot be displaced. In this situation, all that is done is to collect their scattered holdings into compact blocks.

In the process of consolidation, holdings of equal fertility and outturn are exchanged, as far as practicable. But it is always not possible to exchange land exactly of equal fertility or of equal area. As a result, the Act provides for payment of compensation to any owner, who is allotted a holding of less market value than that of the original holding or for recovery of compensation from any owner who is allotted a holding of a greater market value than that of his original holdings. The amount of compensation is to be determined in accordance with the provisions of the Land Acquisition Act as far as possible. The existing market value of the land is the basis of

exchange and the compensation to be paid or recovered is for the small difference in area or value of the plots exchanged.

It is also the aim of the consolidation that the holder should get the same income from the consolidated block as he used to get from the scattered plots. The idea is that his income should not normally suffer but would automatically increase in future years on account of economies effected by cultivation of a consolidated block.

In the process of consolidation, the tenure of the original holding is transferred from the old holding to the new consolidated holding. Similarly, leases, debts and encumbrances, if any, are transferred from the old holding to the new consolidated holding, adjusted and fixed up. Further, the interests of the tenants are safeguarded as far as possible. No tenant is deprived of his tenancy or put to loss. The tenancies are usually transferred to the exchanged lands. If there is any difference in the value of the original and exchanged holdings, adjustments in rents are made.

(c) *Consolidation Procedure:*

The procedure for consolidation is briefly as under:

- (a) For consolidation, the villages are selected by Government *suo motu* or on application from the people and notified by Government at the Mamlatdar's Katcheri and the villages concerned.
- (b) Then, the Consolidation Officer issues a notice that a scheme of consolidation is to be prepared. He issues a proclamation calling upon all persons who claim any rights to possession under the Mamlatdar's Court Act, 1906, the Bombay Tenancy and Agricultural Lands Act, 1948, and under Chapter IX of the Bombay Land Revenue Code, 1879, to put forth their claims for possession within 10 days from the date of the issue of the notice. He decides such claims and thus brings the Record of Rights up-to-date before taking up the work of consolidation.
- (c) A village committee is appointed to assist the Consolidation Officer, who makes the valuation of all lands with the help of that committee. The valuation so made is published at the village and the objections are invited.
- (d) After the valuation is finalised, the said officer makes a provisional blocking of the holdings keeping in view the

fact that every holder should get land of equal productivity. In this, he does not follow the one block system of Madhya Pradesh, but he forms more than one block according to the requirements of the consolidation. This provisional scheme is made usually in consultation with the holders and the village panchas. It is then published with a view to inviting objections if any.

- (e) In the light of objections received, the scheme is then finalised and published under section 19(1) at the village and further objections, if any, are invited within 30 days. If any objections are received, they are considered by the Settlement Commissioner and Director of Land Records. Then the scheme as finally amended is re-published under section 19(2) for inviting further objections. If no objection is received, the Settlement Commissioner confirms the scheme; but if any objections are received, the scheme is submitted to Government for orders.
- (f) On confirmation of the scheme, it is published in the Government Gazette and also in the village concerned and announced by a beat of drum. If two-thirds or more of the owners affected by the scheme agree to enter into possession of the new holdings, the Consolidation Officer will allow all the owners to enter into possession forthwith. But if there are any dissentients the holders are entitled to possession of the new holdings from the commencement of the next agricultural year.
- (g) In order to enable the holders to pay the compensation amount, if any, due from them under the scheme, Government grants Tagavi loans freely to such owners.
- (h) Unlike other State Governments, the cost of consolidation is borne entirely by Government and no charge or fee is levied from the holders.

Once the compact blocks are formed, no fragmentation without the permission of the Collector is possible. Further, a consolidated block cannot be transferred without the permission of the Collector and no block can be partitioned or broken up without the sanction of Government. This provision effectually secures that the good work done by consolidation is subsequently not annulled.

For implementing the Act, the Consolidation Officers in charge of 2 or 3 districts and the Assistant Consolidation Officers in charge of one district with a squad of Surveyors have been appointed. The Assistant Consolidation Officers are

delegated the powers under Chapter X-A of the Code in order to enable them to certify the entries in the Record of Rights and bring it up-to-date for the purpose of consolidation of holdings. The difficulty involved in exchange of inam and watan lands and lands on non-ryotwari tenures has been removed by the Land Tenures Abolition Acts.

Till the last year, the work was restricted to the pre-merged areas. It could not be extended to the merged areas, because they were not fully surveyed and classified. The standard areas have been fixed now for the merged areas also.

The overall picture about the consolidation work by the end of April 1956 is given in Appendix N. It will appear therefrom that out of the 3,750 villages notified for consolidation, the schemes which have been completed, confirmed and enforced are as under:

Consolidation schemes under Sec. 19 (1)	No. of villages covered	Area covered in acres	No. of holdings before consolidation	No. of blocks formed after consolidation
Completed ..	1,511	21,76,986	6,13,345	3,48,198
Confirmed ..	1,063	12,94,392	3,58,510	1,94,637
Enforced ..	740	8,65,899	2,23,160	1,21,145
In progress ..	346	..	..	..

Thus, it will appear that after consolidation of holdings, the number of holdings is practically reduced to one-half. But much remains to be done for the villages so far not covered by the consolidation schemes (*vide* Appendix N).

(d) *Criticism and Suggestions:*

Although the Act was enforced on 8-4-1948, its implementation commenced actually in 1950-51 because certain preliminary formalities had to be gone through. During the implementation of the Act, certain difficulties came to light. In order to remove them and secure all-round consent or agreement, the Act provides for inviting objections at four stages:

- (1) after valuation of the lands of the village is published;
- (2) after the provisional scheme of consolidation is published;
- (3) after final publication of the scheme; and
- (4) after the re-publication of the finally amended scheme.

The frequent inviting of objections from the owners before the final sanction of the schemes is a great delaying factor in the execution of the schemes. The need of associating the owners with various stages of the schemes cannot be denied. But when the valuation of the lands and the details of scheme are finalised in consultation with the village Panchas and the holders, there should be no need to provide for inviting objections from the holders of lands subsequently. In the present scheme of things, a small objection even after the scheme is approved by the Settlement Commissioner is sufficient to delay the final sanction of the scheme by Government and subsequent execution of the same at the village level. The urgency of cutting down unnecessary stages of inviting objections requires to be considered in the interests of prompt execution of schemes of consolidation.

There is another snag in the schemes of consolidation. If two-thirds of the owners do not agree to enter into possession of the new holdings, the Consolidation Officer cannot allow the remaining owners to enter forthwith into the possession of the new holdings; but the taking over of the possession is postponed to the commencement of the next agricultural year. The Act should be amended suitably to remove the obstruction of any recalcitrant holder.

The implementation of the Act has been smooth in the areas when the lands are on restricted tenure and where the owners are not unduly vocal. For example, in Panch Mahals district, where many talukas are predominantly inhabited by the Bhils and other backward tribes and the predominant tenure there is the restricted tenure, the opposition to consolidation schemes has been, if not totally absent, the least. The result is that the work of consolidation has been done very quickly in that district. But where the condition of impartibility has been attached either to the lands held on new or old tenure, it becomes difficult to consolidate such parcels of lands.

It should be noted that the Land Tenures Abolition Acts have removed the greatest snag in the exchange of inam and khalsa lands in the process of consolidation.

In the nature of things, the consolidation work is a time-consuming process entailing heavy expenditure on Government. At present, the cost of the consolidation is not recoverable from the holders but is entirely borne by Government. In other States like the Punjab and U.P., a nominal fee per acre is charged for meeting the cost of consolidation. It is high time

for the State Government to consider the levy of such fees particularly because the benefits of the schemes are to be enjoyed by the holders and because large amounts are at present spent by Government for the development of the rural areas.

In the exchange of lands in the consolidation schemes, strong objections are raised by the holders of lands with water facilities when they are proposed to be given land without or with inadequate water facilities. Such schemes would most succeed or meet with the least opposition in areas where there are water or irrigational facilities. As the Land Tenures Abolition Acts have helped the consolidation work by facilitating exchange of fragments, the extension of irrigational facilities by the constructions of weirs and dams on and canals from the Gujarat and Maharashtra rivers, besides increasing productivity thereof, will reduce opposition to exchange of lands.

Lastly, the serious objection to the present scheme of consolidation is that the Act aims at consolidation of the ownership of lands and not their cultivation. Consequently although the consolidated block is owned by one owner, the parts of the block are cultivated by different persons such as the owner and tenants. The tenants may be in cultivating possession of lands scattered at different places in the village. Thus, what is achieved is the consolidation of ownership and not the economies arising out of consolidated cultivation. In the context of this background, it should be noted that the Bombay Tenancy and Agricultural Lands (Amendment) Act, 1955, has been introduced with effect from the 1st August 1956. Its enforcement will result in making the erstwhile tenants as occupants. This will break up the consolidated ownership of the block which was under the cultivation of the owners and his tenants (now occupants). Thus, the present scheme of consolidation of ownership will have to be revised and a fresh scheme for re-consolidating the lands of the old owners and the new owners (tenant-occupants) will have to be considered. This difficulty arising out of the implementation of the Tenancy Amendment of 1955 could have been avoided, if the concept of the consolidation of cultivation and cropping in place of that of land ownership had been adopted. This aim can be achieved if the system of co-operative farming is adopted.

4. *The Saurashtra Prevention of Fragmentation and Consolidation of Holdings Act, 1954:*

The problem of fragmentation of holdings was not acute in Saurashtra; because according to the inquiries made in 1953,

there were 1,84,835 occupants in the khalsa area holding 53,95,890 acres of land. The distribution of holdings showed that there were only 1,234 occupants holding more than 120 acres and the excess of land over 120 acres held by such occupants was 2,00,369 acres. Thus, the problem of substantially big holdings was not of an appreciable size in Saurashtra. Still, there were parcels of lands, small and scattered, which required to be regulated. In order to prevent fragmentation and regulation of agricultural holdings for the purpose of better cultivation, the Saurashtra Prevention of Fragmentation and Regulation of Holdings Act, 1954, is enacted. It was enforced with effect from the 1st April 1954 in all the districts except Zalawad where it was introduced with effect from 31-5-1954. The Act generally follows the pattern of the Bombay Act.

(a) *Standard Areas:*

Under the provisions of the Act, the standard areas are fixed as under:

Local area		Class of land	Standard area
1. Halar district	..	Bagayat Jirayat	1 acre 2 acres
2. Madhya Saurashtra district	..	Bagayat Jirayat	1 acre 2 acres
3. Gohilwad district	..	Bagayat Jirayat	1 acre 2 acres
4. Sorath district:			
(a) Five-mile wide seashore belt touching Mangrol, Chorwad Maliya and Veraval	..	Bagayat Jirayat	$\frac{1}{2}$ acre 2 acres
(b) Porbandar Vartu Kantha	..	Bagayat Jirayat	$\frac{1}{2}$ acre 2 acres
(c) Rest of Sorath district	..	Bagayat Jirayat	1 acre 2 acres
5. Zalawad district	..	Bagayat Jirayat	1 acre 2 acres

From the above information, it is clear that the standard areas for the Bagayat and Jirayat lands are respectively 1 acre and 2 acres except $\frac{1}{2}$ acre for the Bagayat land in the 5-mile wide

seashore belt and Porbandar Vartu Kantha areas in Sorath. All the parcels of lands below the standard area are deemed fragments and are to be entered as such in the Record of Rights or records prescribed for the purpose. Without the permission of the Collector, such fragments are not to be transferred or leased unless it is thereby merged in the contiguous survey number. The transfer or partition of fragments is generally prohibited and in the event of any breach, the holder is liable to a fine not exceeding Rs. 250. Such fragments may be first offered for sale to the holders of contiguous survey number and in the event of refusal to purchase at a price determined under the provisions of the Land Acquisition Act, he may transfer it to Government, which would thereafter vest absolutely in Government free from all encumbrances. Even in execution of a Civil Court decree, partition of the holding should not be made so as to create a fragment. Further, even Government or local authority is prohibited from acquisition or sale of land so as to leave a fragment.

(b) *Regulation of Holdings: Concept of Maximum Holding:*

The Act provides not for consolidation but regulation of holdings by revising the area of maximum holding in any local area by notification in the Official Gazette. Before revising the area, Government has to invite objections from persons likely to be affected by the revision within a period of three months after publication of the notification. After considering objections, if any, Government will revise the maximum holding for each class of land in such local areas. A maximum holding is defined as a holding the area of which does not exceed three times the economic holding as defined in the First Schedule of the Saurashtra Land Reforms Act, 1951, i.e. on an average 32 acres, i.e. 96 acres form a maximum holding. Such revised maximum holdings are to be notified in the Gazette. Thereafter, a person is prohibited from acquiring land by way of purchase, mortgage with possession, gift, exchange or otherwise any land in excess of or which when added to the land already held by him, exceeds the maximum holding. But this general prohibition does not apply to acquisition of land by succession, a co-operative society, of acres used for plantations excluded under special orders of Government and by such charitable, educational or other public institutions. Any transfer of land in contravention is made punishable by a fine not exceeding Rs. 250. A special exemption is made in the case of lands reserved as Gharkhed by or allotted for personal cultivation to a Girasdar or a Barkhalidar

under the provisions of the Saurashtra Land Reforms Act, 1951, or the Saurashtra Barkhali Abolition Act, 1951, upto Akhatrij of Samvat Year 2012. The legislature seeks thereby to secure maximum production, maximum economy and social justice.

The Act was amended in 1956 in order to remove certain difficulties experienced by the co-operative societies and the land mortgage banks in its implementation. The co-operative societies, the Saurashtra Central Co-operative Land Mortgage Bank and Government provide cheap credit to agriculturists on the security of their lands. As transfer of fragments was prohibited under section 6, agriculturists holding such fragments, could not get loans on the security of their lands. The Amending Act of 1956 was passed to remove this difficulty.

Thus, the Act provides for prevention of fragmentation and regulation of holdings but not the consolidation thereof. As regards the provisions for prevention of fragmentation, the Act follows the pattern of the Bombay Act.

C. KUTCH

5. *Prevention of Fragmentation:*

As regards Kutch, the Government of Kutch had requested the Government of India to extend to Kutch the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947. It seems that the Government of India's reply in the matter was awaited by the State Government. This means that at the time of the reorganisation the question of preventing fragments and consolidating them into suitable blocks remains unsolved.

The broad facts regarding the legislation relating to the prevention of fragmentation and consolidation of holdings are that the objectives aimed at are the prevention of fragmentation below the standard areas fixed for different classes of land in different districts and the consolidation of land ownership and not cultivation or cropping. These processes are not in themselves sufficient to achieve economies of cultivation and step up agricultural production.

D. VIDARBHA

6. *Consolidation of Holdings:*

Before legislation was undertaken in Madhya Pradesh, the Malguzars did some consolidation work in their home farm areas

by exchange and sometimes by high-handed methods with the result that it was suspected by the tenants as a device to better their own position at their expense.²

The C.P. Consolidation of Holdings Act, 1928:

In Madhya Pradesh, the consolidation work was initiated by legislation in 1928, but it was first applied to the Chhatisgarh Division because the evil of small and scattered holdings was far more serious there. It was attributed to the obsolete practice of *lakhabata*, which was a device to equalise the holdings of land by a periodical re-distribution of the fields in the village so as to ensure that each cultivator in turn got his share of different kinds of land. It was subsequently extended to other areas by notification in the Official Gazette.

Now, it is proposed to discuss the principal features of the Act of 1928 from the following points of view:

- (1) Initiative for consolidation.
- (2) Procedure for consolidation.

(1) Initiative for consolidation:

To begin with, under section 6 of the C.P. Act of 1928, any two or more permanent holders in a village, mahal or patti holding together not less than the minimum area of land prescribed under the Rules (generally 100 acres of land) had to apply to the Consolidation Officer for the consolidation of holdings. And according to section 5 thereof, there were over a dozen different persons who were covered by the term 'permanent holder'. After the passing of the Malguzari Abolition Act, 1950, the number of persons holding various interests were considerably reduced. But that did not controvert the fact that owing to different landed interests, it became difficult to obtain the consent of a sufficient number of permanent holders to set the ball rolling. It was because of this difficulty that the Act was applied to the Chhatisgarh Division in the first instance and every subsequent extension was subject to the issue of a notification which was to be laid before the State Legislature.

Thus, restrictions were placed on future partitions, exchanges or transfers.

In Madhya Pradesh, the consolidation work was started as far back as 1926 and prior to that only nine villages were con-

² B. A. Bambawale, I.C.S., *Manual of Instructions on Consolidation of Holdings in C.P.* (1946), p. 1.

solidated on a voluntary basis. Attempts made in 1926-28 produced only 10 successful schemes. After the enactment of the Act, the demand for consolidation increased. Till September 1945, holdings of 2,36,860 persons were consolidated successfully in 2,510 villages covering an occupied area of 22,54,314 acres with 46,31,278 Khasra numbers which had been reduced to 8,16,726 or by 82 per cent excluding the numbers of threshing floors, abadis, etc., which suffered no change at 'chakbandi' (consolidation of scattered holdings). The average size of a Khasra number increased to about 2.50 acres from 0.50 acre before chakbandi. During 1949-50, the work was extended to the Hosangabad district with a view to consolidating lands ploughed under the tractor ploughing scheme. By 1950, 2,633 villages were successfully consolidated involving about 23 $\frac{3}{4}$ lakh acres. It was urged that the Act might not prove so successful in the cotton-growing tracts of Berar, where the holdings were already fairly large and where the 'soil and position' factors would make it difficult to persuade the cultivators to agree to an exchange of plots.

7. *Recent Legislation:*

In 1954, the Madhya Pradesh Land Revenue Code, has been enacted. It has repealed the Act of 1928 with its amendments. It provides for consolidation of holdings in Chapter XVI thereof.

There is no provision for prevention of fragmentation but for consolidation of holdings only. The expression 'consolidation of holdings' is defined as the re-distribution of all or any land in a village so as to allot to the tenant-holders contiguous plots of land for the convenience of cultivation. The initiative for the consolidation is to come from the tenure-holders of a village. As in Bombay, such schemes cannot be initiated by Government without the application from the tenure-holders. Such application should come from (1) any two or more tenure-holders in a village holding together not less than the minimum area prescribed by the rules, and (2) two-thirds of the tenure-holders in a village. If the tenure-holders submit any agreed scheme of consolidation, the Consolidation Officer shall examine and modify it, if necessary. If no such scheme is submitted with the application, the Consolidation Officer shall prepare it. He is to be assisted by an Advisory Committee or Panchayat in examination or preparation of the scheme. If in re-distribution of land, the allotted holding is of market value less than that of the original holding or land, the scheme should provide for compensation to such tenure-holder by such person or persons.

After considering objections and completion of the scheme, the Consolidation Officer has to submit it for confirmation to the Deputy Commissioner. When the scheme is complete and if *all* tenure-holders affected by the scheme agree to enter into possession of the holdings allotted to them, the Consolidation Officer may allow them to enter into such possession from the date specified in the scheme. If they have not so entered, they are entitled to enter into possession from the commencement of the agricultural year next following confirmation and the Consolidation Officer shall put them in possession. Thereupon, the Deputy Commissioner may confirm the scheme. If there are any objections which he cannot remove, the Deputy Commissioner may submit the scheme to the Settlement Commissioner for orders.

Upon confirmation of the scheme, the Consolidation Officer shall demarcate the boundaries of the holdings and proceed to announce the decisions finally made.

For implementation of the schemes, the rights of the tenure-holders in their holdings are transferable by exchange or otherwise without any instrument in writing and registration.

Unlike Bombay which bears the entire cost of consolidation, if the Deputy Commissioner so directs, the Consolidation Officer has to recover the cost of consolidation assessable under the rules. This amount is recoverable as an arrear of land revenue.

All partition proceedings are to be stayed during the consolidation proceedings.

The rights of the tenure-holders in their holdings or land allotted to them shall remain the same as they had in the original holding. If there was any encumbrance such as lease or mortgage, it would be transferred and attached to the holding or to the land allotted.

In short, the old provisions of the Act of 1928 are embodied in the Code of 1954 after repealing the Act of 1928. The initiative for consolidation rests with the tenure-holders. There is no element of compulsion, as in Bombay. Further, the cost of consolidation, unlike Bombay, is recoverable from the tenure-holders.

E. MARATHAWADA

8. *Prevention of Fragmentation and Consolidation of Holdings:*

With regard to the prevention of fragmentation and consolidation of holdings, there is no separate legislation in Marathawada;

but provision has been made in Chapter VII of the Hyderabad Tenancy and Agricultural Lands Act, 1950. The provisions of the said Chapter are to apply to such local area or areas as may be notified by Government in the Jarida. In that Act, a *fragment* is defined as a plot of land of any class the area of which is less than the area of a basic holding determined for that class of land for the local area concerned. The term '*consolidation of holdings*' means the forming of a complete block for a number of scattered plots by re-distribution and exchange of holdings or portions thereof in a village or a group of villages.

As regards *prevention of fragmentation*, it provides that no land shall be permanently alienated, leased or sub-divided so as to create a fragment. Every permanent alienation, lease or sub-division contrary to this provision is to be deemed void. If the property is to be divided by transfer, decree, succession or otherwise among two or more persons, partition may be made so as not to create a fragment. If such sub-division is made by a civil court or a Collector, the procedure to be followed is as follows: If in effecting partition of property among several co-sharers, a co-sharer is entitled to a specific share in land which cannot be given without creating a fragment, he should be compensated in money for the fragment. In effecting partition, basic holdings are to be provided to all the co-sharers. If there is not enough land for the basic holdings, then the persons concerned may be compensated in money by mutual agreement or by casting lots. If any co-sharer is not willing to pay compensation and take his share, the share shall be sold by public auction and the purchase money shall be paid to the co-sharers not getting lands in proportion to their respective shares. When a partition is effected in execution of a decree, all questions relating to the division of the land shall be decided by the court executing the decree or by the Collector effecting partition.

As regards *consolidation of holdings*, Government may of its own motion or on application by two-thirds of the total number of landholders and protected tenants of a village or contiguous villages holding between them not less than half the area comprised in all the plots of the village or villages, notify its intention to make a scheme of consolidation of holdings in such village or villages. Generally, the Deputy Collector has to work as Consolidation Officer unless a separate officer is appointed. The Consolidation Officer has to prepare the scheme, publish it and consider objections, if any. There-

after, he has to submit the scheme to the Collector for confirmation. If any person gets land of less value in redistribution, he has to provide compensation therefor. He may also fix assessment including water-rate for such reconstituted holding. Thereafter, the Collector has to consider and publish the draft scheme submitted by the Consolidation Officer. If any objections are received within 30 days of such publication, the Collector has to consider the objections and confirm the scheme with or without modifications or refuse to confirm it. After the scheme is finally confirmed by the Collector, it is to be published in the *Jarida* and in other prescribed manner and such scheme shall come into effect from the beginning of the next year and be binding on all the landholders and tenants of the village. As a result, the landholders and tenants become entitled to take possession of the allotted lands. For the allotted holdings, the Consolidation Officer shall grant a registered certificate to the holder.

Unlike Bombay, the cost of the consolidation may be assessed and recovered from the landholders and tenants whose lands are affected thereby. The policy of Government is to bear half the cost and to recover the remaining half from the persons benefiting from the scheme. The charge for consolidation is Re. 1 per acre.

In the allotted lands, the holders will have the same rights as they had before. If the holding was burdened with lease, mortgage, etc., such encumbrance would be attached to the allotted holding.

The above provisions generally follow the pattern of the Bombay Act, but with one material difference. In Bombay, the cost of consolidation is borne by Government; whereas in Marathawada, it is recoverable from the landholders and tenants concerned. In the former, the tenants do not come in the picture for making application for consolidation, as we find in the latter. Lastly, in the former Act, we have detailed provisions for prevention of fragmentation below the standard areas fixed for different categories of land; but in the latter, there is no such provision.

As stated above, there is no separate legislation for prevention of fragmentation and consolidation of the holdings in Marathawada. In view, however, of the recommendation of the Hyderabad Land Commission constituted under the Hyderabad Tenancy and Agricultural Lands Act, 1950, it is understood that a separate legislation for the purpose has been enacted before

the reorganisation. It follows the Bombay pattern except in the case of the formation of the village committee and levy and recovery of the cost of consolidation.

The work of consolidation of holdings has been taken up on an experimental basis in 25 villages of the Bhir district. The entire process is divided into the four stages: (1) the bringing of the Record of Rights up-to-date and completion of the hissa survey, (2) preparation of the draft scheme of consolidation, (3) publication of schemes inviting objections, hearing them, publishing the amended scheme and confirmation by the Collector, and (4) enforcement of confirmed scheme, collection and disbursement of compensation amount, and exchange of possessions.

9. *General observations:*

It is admitted on all hands that the farm fragmentation is an obvious obstacle to the development of modern techniques such as rationalisation of irrigation and drainage or to the efficient use of machinery. The problem has its roots partly in rural over-crowding, partly in the laws and customs of inheritance and partly in other natural and social conditions. The fundamental cure and prevention of excessive fragmentation, therefore, lies outside agriculture. Secondly, the farm consolidation under foreseeable conditions offers only temporary relief and should, therefore, be a continuous process. The farms will continue to be split up until the pressure of population is measurably reduced by industrialisation, resettlement and other measures. The religious rules and social customs prescribing participation in inheritance are difficult to change. Further, few alternatives exist to sub-division, so long as the land is the only source of wealth.³ In a subsistence economy, a certain amount of division of holdings might be desirable. If the parcels of lands are of different quality, they are conducive to diversification of crops with the result that the risk of crop failure is spread thereby. Sometimes, the higher education of children is financed by mortgaging their share of land.³ Generally, the village people do not readily co-operate in the work of consolidation because of their attachment to the ancestral acre of land and the ignorance of the benefits of consolidation. The village people should therefore be made consolidation-minded by proper propaganda. Without some compulsion, the consolidation work cannot succeed. The

³ FAO's Report on the Center on Land Problems in Asia and the Far East (1955), p. 26.

co-operative societies can play a major role in the consolidation work by forming co-operative farming societies and advancing credit.

The development projects under the Five-Year Plans sometime undo the work of consolidation in that extensive areas are acquired for construction of roads, dams, canals, etc., resulting in the change of the value of land and category of crops. In this process, the consolidated block requires to be broken up to meet the needs of development and the fragments so created require re-consolidation.

In the ultimate analysis, all the measures for preventing fragmentation and consolidation of holdings should not be considered in isolation but be dovetailed with the planning and the entire land development of the country. The conservatism and ignorance of the people about the beneficial effects of such measures should be brought home to them (the people) by proper propaganda at the village and taluka levels.

CHAPTER 21

THE FUTURE PATTERN OF THE LAND PROBLEM

1. *Formulation of Future Policies: The Emerging Pattern:*

We have now reviewed the land reforms relating to land revenue, tenures, tenancy, Bhoodan and farm fragmentation in the constituting units of the reorganised State. Now the future course of legislative and other measures remains to be considered. The ideal to be achieved is the socialistic pattern of society in a Welfare State. All basic policies and programmes should therefore be directed towards achievement of these democratic and egalitarian ideals.

As a result of the land reforms enacted so far, the pattern of the land system that is emerging is ryotwari, wherein the present level of the land revenue is either retained or reduced where excessive; the tenancy is either abolished in Saurashtra and Vidarbha or in the process of abolition in Gujarat, Maharashtra and Marathawada, the fixation of ceiling areas and consolidation or regulation of holdings have reduced or in the process of reduction of land holdings in the hands of a few persons, and the ground is paved for co-operative farming and co-operative land management as envisaged by the Second Five-Year Plan. The future pattern of the agricultural development will have to be considered generally on the basis of the small holdings till the introduction of the co-operative land management through the village panchayats. This is the picture of the land problem that is emerging now. On the basis of these conditions, the reorganised State will have to formulate its future policy and measures.

As envisaged ¹ by the States Reorganisation Commission, the new State will have to tackle certain problems during the transition period. The fundamental problem will be the unification of the laws in force in the areas that are grouped together. The States Reorganisation Act, 1956, provides that the existing laws would continue to apply to the units concerned even after reorganisation. Those laws in the existing administrative units including those governing such vital matters as land tenures, agrarian reforms, etc., are, however, not the same in the geogra-

¹ The Report of the States Reorganisation Commission (1955), p. 26.

phically contiguous States grouped together. During the initial phase of transition, two or more sets of laws will continue but they cannot last for any length of time. The States Reorganisation Commission has, therefore, recommended that every reorganised State will have to undertake, in the initial years, a laborious and exhaustive review of its existing legislation for the sake of unification and suitable adaptation to the constituent units.

In this context, the problems that the new State will have to tackle and the legislative measures that will have to be adapted and adopted are discussed below.

2. *Rationalisation of Land Revenue:*

The problem of rationalisation of land revenue has two aspects relating to (1) the agricultural assessment and (2) the non-agricultural assessment. The aspect of the agricultural assessment requires to be examined from the point of incidence of land revenue *per capita* and per acre of land; whereas that of non-agricultural assessment demands consideration from the point of stimulating non-agricultural (residential, industrial and commercial) activities for achieving rapid industrialisation, as envisaged by the Second Five-Year Plan.

(a) *Incidence of Land Revenue:*

The former State Governments have adopted measures for rationalisation of the principles and techniques of survey and settlement according to the exigencies of administration. In the Bombay State, the Land Revenue Rules 19-N and 19-O have been framed in order to fix *ad hoc* assessment in respect of lands which are surveyed but not settled and which are unsurveyed and unsettled. The work connected with the fixation of the *ad hoc* assessment is going on. Further, on the basis of the recommendations of the Taxation Enquiry Commission (1953-54), the Bombay Land Revenue Code, 1879, is amended in 1956 in order to simplify the settlement procedure. The Settlement Officers have been appointed to take up the revisions of the time-expired settlements in the pre-merger Gujarat and Maharashtra and fresh settlement in their merged areas. It will take about three years for those officers to submit their reports to Government. It will then be possible to know the pitches of assessments in different districts of Gujarat and Maharashtra. At present, the average rates of assessment in the old five districts of Gujarat are available. They are set down below:

Old District		Assessment in rupee per acre		
1. Ahmedabad	..	1	14	2
2. Broach and Panch Mahals	..	2	15	0
3. Kaira	..	3	2	0
4. Surat	..	3	6	2
Average for Gujarat		2	13	8

It appears that in point of the level of assessment, the rates are highest in Surat, next come those in Kaira and then Broach and Panch Mahals. If the rates of Broach and Panch Mahals are separated, the rates of Broach would be next to those in Surat in point of high pitch. The assessment in the integrated area is being fixed on an *ad hoc* basis. The pitches of assessments which were fixed at different times and at varying price-levels differ from taluka to taluka and district to district. These inequalities in the existing assessment will have to be reduced if not eliminated to the extent possible in the revision settlements.

In Maharashtra, the average rates of assessment at present are as under:

District						Average rate of assessment
						Rs. a. p.
Poona	..	..	..	..	..	0 12 3
Ahmednagar	..	..	..	..	..	0 11 3
Sholapur	..	..	..	..	..	0 8 11
Ratnagiri	..	..	..	..	..	0 10 5
Kolaba	..	..	..	..	..	2 2 9
Thana	..	..	..	..	..	1 11 10
Satara North	..	..	..	..	..	1 2 3
Nasik	..	..	..	..	..	0 13 6
East Khandesh	..	..	..	..	..	1 13 2
West Khandesh	..	..	..	..	..	1 5 10

(These figures are only very approximate.)

It appears that from the point of level of assessment, the rates of assessment are highest in Kolaba followed by Thana, East Khandesh and West Khandesh and Satara North. In the remaining districts, the pitch of assessment cannot be said to be high.

In Saurashtra, the rates of assessment are rationalised on an *ad hoc* basis after integration. Still, however, as the following statistics show, the average rates of assessment per acre of cultivated land in the Khalsa villages of the State are much higher than those in the adjacent districts of Gujarat:

District			Average rate of assessment per acre of cultivated land		
1. Gohilwad	..	..	2	11	5
2. Halar	..	..	2	15	0
3. Madhya Saurashtra	..	..	5	7	9
4. Sorath	..	..	5	1	5
5. Zalawad	..	..	1	15	5
Average for Saurashtra			3	2	9

The rates of assessment in the former non-khalsa areas are fixed on the basis of those obtaining in the adjacent khalsa areas. They, therefore, are on a par with those in the khalsa areas set forth above.

As regards the place of land revenue in the total revenue and the tax revenue of the Bombay State for 1953-54, it appears that land revenue formed 9.8% of the total revenue and 13.5% of the total tax revenue.² In the Saurashtra State for 1953-54, the land revenue formed 30% of the total revenue and about 67% of the total tax revenue of the State.³ The statistics of the rates of assessment show that even though the land revenue assessments are rationalised in Saurashtra, it is not uniform and the average rate of assessment (Rs. 3-2-9) per acre is higher than that in any State of India. For the year 1953-54, the *per capita* land revenue in the Bombay State worked out to Rs. 3.60 as

² Memorandum III submitted to the Taxation Enquiry Commission by the Government of Bombay (1953), p. 11.

³ Supplementary Memorandum of the Saurashtra Government to the Part B States (Special Assistance) Enquiry Committee, 1953, p. 14.

against Rs. 15.45 in Saurashtra⁴ which was the highest in the States of India. The land revenue per acre in Bombay worked out to Rs. 1.42 as against Rs. 6.30 in Saurashtra even though soil, rainfall and other agricultural conditions in Saurashtra are generally inferior to those in Gujarat. Thus, there is an obvious need for further rationalisation. And such rationalisation can be effected on the basis of scientific survey and settlement. If the Saurashtra rates of assessment are brought down to the level of Gujarat, it is estimated that the land revenue receipts would be further reduced by Rs. 42,75,000 per annum.⁵ Since the compensation under the Abolition Acts is based on the land revenue, any attempt at reduction of land revenue at this stage would affect the amount of compensation payable to the ex-Girasdars and ex-Barkhalidars, who might start agitation against such a measure. Their past behaviour does not rule out such a contingency. All the same, the problem of reducing the assessment on the level of the Gujarat areas remains the biggest problem for the new State to tackle.

The reasons for the high incidence of land revenue in Saurashtra are not far to seek. The high pitch of assessment is due to the fact that the present assessments have been fixed on the basis of the past collections of land revenue and other cesses recovered during the different State administrations. The maximum rates have been arrived at from practical considerations because regular settlement was not possible immediately after integration.

In Kutch, the rates of assessment for the dry lands vary from Rs. 1-8-0 to Rs. 4-8-0 per acre whereas those for the irrigated lands vary from Rs. 8 to Rs. 25 per acre. Thus, these rates are comparatively very high because they have been fixed by an *ad hoc* method of calculation of the cash assessment on the average land revenue during the ten years from 1941 to 1951. These high pitches of assessment will have to be levelled down by introduction of the scientific survey and settlement in the region.

It may be recalled that in Bombay, land revenue was the sheet-anchor of the State Government before World War II. After the War, it has yielded its pride of place to the sale tax. By diversification of the tax structure, its importance is diminished; still it remains the second largest source of tax-revenue.

⁴ The Taxation Enquiry Commission's Report, Vol. I, p. 76.

⁵ Memorandum submitted by the Saurashtra Government to the Part B States (Special Assistance) Enquiry Committee, June 1953, p. 43.

In view of the under-developed character of their economy, land revenue is still the sheet-anchor of the State Governments of Saurashtra and Kutch.

In *Hyderabad*, the land revenue has been most inelastic; still it continues to be one of the mainstays of the State Exchequer. But the resumption of the Sarfe Khas lands and the Jagirs has added substantially to the land revenue receipts in the State. As stated before, the maximum rates for dry lands vary from 10 annas to Rs. 3-9-0 per acre, the average for the State being Re. 0-15-6 per acre. The rates for the wet lands vary from Rs. 6 to Rs. 18 per acre, the average rate for the irrigated land being Rs. 9 per acre. The *per capita* land revenue for the whole State for 1953-54 worked out to Rs. 5.04 and the per acre land revenue to Re. 1.30.

In *Madhya Pradesh*, land revenue still continues to be the largest single source of revenue. After abolition of the Malguzari, Zamindari, Ijardari and Jagiri systems from the State, there is no appreciable increase in land revenue, particularly because the rents which were payable to the Malguzars before are payable to Government after abolition of those special tenures and the cost of collection of land revenue and administrative staff has increased. The *per capita* land revenue for 1953-54 worked out to Rs. 3.74 and per acre land revenue to Rs. 1.33.

For facility of reference, the statistics about the *per capita* and per acre land revenue for these territories for 1953-54 are tabulated below: ⁶

				<i>Per capita</i> land revenue	Per acre land revenue
				Rs.	Rs.
Bombay	..	..	..	3.60	1.41
Madhya Pradesh	..	..	..	3.74	1.33
Hyderabad	..	..	..	5.04	1.30
Saurashtra	..	..	..	15.45	6.30
Kutch	..	..	..	Not available	

The above statistics show that the *per capita* land revenue for Bombay and Madhya Pradesh is practically the same. Then

⁶ The Report of the Taxation Enquiry Commission (1953-54), Vol. I, pp. 76-77.

comes Hyderabad. The highest *per capita* land revenue is, however, found in Saurashtra. It may be attributable to the high pitches of assessments in the different States, *ad hoc* fixation after integration and relatively sparse population in that State.

As regards per acre land revenue, the rates for Bombay, Madhya Pradesh and Hyderabad are practically the same; but for Saurashtra, it is five times the rates of Bombay. Steps, therefore, will have to be taken to level down the high pitch of assessments in Saurashtra. But there will be certain practical and administrative difficulties in reduction of assessment which have already been pointed out above.

Taking the historical and administrative factors into consideration, the Taxation Enquiry Commission has come to the conclusion that the actual burden at present on agriculture is light, mainly because of the large increases in prices of agricultural produce that have taken place since settlements were made and the basis of assessment was fixed, and the incidence of land revenue, considered at large, has ceased to be appreciable. The problem in relation to this head which was once the mainstay of the Indian revenue system is now related to the inter-State and inter-regional disparities of incidence and to its structure rather than to high incidence. The Commission's conclusion, therefore, is that the average incidence of land revenue is definitely low in practically the whole country.⁷

We have seen that in *Vidarbha*, in the four districts of Berar, the land revenue settlements have been made on the Bombay system. But in the remaining four districts of the Central Provinces, the settlements have been made on the soil-unit system which is wholly based on the rental statistics of the areas. Further, unlike Bombay, the settlement of land revenue is based on the system working from the details to the aggregate. The Madhya Pradesh Land Revenue Code, 1954, has laid down the principles of settlement of agricultural assessment. Under its provisions, the Settlement Officer is permitted to inquire into the profits of agriculture and claims to alienations of land revenue. In our Bombay Code, there is no provision for enabling a Settlement Officer to make such inquiries during settlement. In view of the recommendations of the Taxation Enquiry Commission, the entire system of land revenue settlement will have to be standardised and the assessment fixed for a period of 10 years. Grouping of villages for the settlement purposes will have to be done not on the taluka but on a zonal

⁷ Report of the Taxation Enquiry Commission, Vol. I, p. 78.

basis as in Bombay. The whole Chapter VII of the Code will have to be revised.

In *Marathawada*, the settlement procedure is based on the Bombay system but there are disparities in the rates of assessment between the Diwani and non-Diwani (Jagir) areas. These disparities will have to be reduced by standardising the assessment on the basis of the yield and prices of principal agricultural produce.

Be that as it may, the fact remains that there are taluka-wise and district-wise inequalities in the pitches of assessments in the new State. In order to reduce these inequalities, the new State will have to consider whether the revised techniques of settlement as embodied in the Bombay Land Revenue Code (Amendment) Act of 1956 should be adopted for the regions of Vidarbha, Marathawada, Saurashtra and Kutch with modifications, if any, to meet local conditions. From the point of view of the land revenue administration, perhaps, the introduction of the scientific settlement of land revenue on the revised principles will be the most important problem for the reorganised State to tackle.

(b) *The non-agricultural Assessment:*

Now we turn to the second aspect relating to the non-agricultural assessment for different non-agricultural uses. The principle underlying taxation of non-agricultural uses is that the State has a right to appropriate a portion of the unearned increment in land, which is not due to the efforts of an individual but due to the expenditure incurred by the State or public bodies. We have comprehensive provisions for settlement and levy of assessment on agricultural lands in the Bombay Land Revenue Code, 1879, but there are no such provisions for fixation and levy of the assessment on the lands put to different non-agricultural uses. The existing provisions contained in sections 48 and 66 of the Code and Chapter XIV of the Land Revenue Rules, 1921, cannot be said to be comprehensive to meet the requirements of a developmental economy. At the time of amending the Code in 1939, Government had given a promise to bring a separate Bill for the levy of non-agricultural assessment. But that promise has not materialised still. A comprehensive legislation, therefore, remains a desideratum.

It redounds to the credit of the Bombay State that the Taxation Enquiry Commission recommended ⁸ the Bombay system of

⁸ Report of the Taxation Enquiry Commission, Vol. III (1954), p. 243.

non-agricultural assessment for adoption by other States in India. Still, the Bombay system cannot be said to be perfect requiring no improvement. The broad lines on which the existing system requires modification are set out below.

To begin with, in the pre-reorganisation Bombay, the village-site lands, Mafi Kachcho and Pardi lands are generally exempt from payment of any assessment. The Taxation Enquiry Commission has recommended that the present exemption of the village-sites from payment of assessment may continue as hitherto with a view, firstly, to develop them and, secondly, to enable the village panchayats to realise some revenue from those sites. This recommendation requires to be considered in the light of the heavy expenditure incurred by Government in the national extension and community development programmes for the regeneration of the rural areas. There is ample evidence⁹ in the Peshwa's Daftar in Poona that under the pre-British rule, house-tax or ground-tax was levied in various places. In Gujarat, prior to the British rule, a house-tax known as 'Jhopdi Vero' or a cess of one rupee upon each hut was levied from non-agriculturists. With the introduction of the British rule, this tax was foregone. The indulgence of exemption from the tax in respect of the house-sites and cattle stables (Mafi Kachcho) was shown to agriculturists; because they used to pay revenue or rent for their cultivated lands. In those days, when population was sparse and devastation due to wars was frequent, the measures to attract settlers and get lands cultivated occupied a prominent place in the land administration. Further, although house-tax was abolished by the Act XIX of 1844, it lingered in its levy from non-agriculturists. It, therefore, appears that although the policy of exempting village-sites from assessment had been followed during the British regime, it was always subject to consistent reservation of the right of Government to levy such tax. Since considerable amount of expenditure is incurred for the rural areas, resulting in the appreciation of the value of their sites and unearned increments, it is but appropriate that the holders of village-sites should pay some tax as non-agricultural assessment. The village panchayats will have their own sources of taxation other than the non-agricultural assessment.

Secondly, in the last century, the British Government granted leases of lands from 100 years to 999 years on terms which appear, in the light of later developments and appreciation of

⁹ F. G. H. Anderson: *The Bombay Land Revenue Rules* (1921), p. 228.

land values, extremely favourable to the parties concerned. These exemptions which were granted on historical or contractual grounds have outlived their utility. As recommended by the Taxation Enquiry Commission, they should be resumed by legislation if necessary.

The developmental economy requires additional sources of taxation to be tapped. If the village-sites are subjected to some tax and the long leases are cancelled or their conditions of land-tax are revised, these sources are bound to yield considerable revenue to Government.

Lastly, the non-agricultural assessment was originally conceived as a fine for diversion of the land from agricultural uses. That concept still lingers in the provisions of section 65 of the Land Revenue Code, which should be suitably amended. In the developmental economy of ours, we have to adopt measures so as to develop and not to restrict non-agricultural uses which may be residential, commercial or industrial. The Second Five-Year Plan aims at rapid industrialisation of the country. Thus, we have to encourage non-agricultural uses of lands by liberalising rules of buildings and constructions. In stimulating non-agricultural activity, Government may even grant concession in the levy of non-agricultural assessment. What is required is not the levy of fine or Nazarana (premium) but liberal and scientific building rules for regulation of constructions of houses and factories in villages, towns and cities.

In *Vidarbha*, the Chapter VIII of the Madhya Pradesh Land Revenue Code, 1954, provides for fixation of assessment in urban areas used for agricultural and non-agricultural purposes. The non-agricultural assessment is to be fixed with reference to the industrial or commercial uses of land on the average annual letting value for the block. The distinction of urban and non-urban areas for the purpose of levying agricultural and non-agricultural assessment is unknown to Bombay, where agricultural and non-agricultural assessments are levied within certain categories of classes of villages and uses of lands. Such a distinction is likely to create difficulties in determination of such areas in each village.

In *Marathawada*, the Bombay system is broadly followed in fixing the agricultural assessment but the basis of the levy of non-agricultural assessment is quite different. Whether the land diverted to non-agricultural use is situated in a village outside or within the Tahsil or district headquarters determines the rate of non-agricultural assessment. Apparently, such a

basis of non-agricultural assessment does not seem proper; because a Tahsil or district headquarters does not necessarily influence the value of the land.

In view of the foregoing facts, the principles of non-agricultural assessment in Vidarbha and Marathawada will have to be revised and brought on a par with the Bombay system with suitable modifications to meet local conditions.

As regards the system of revenue accounts, the Bombay system has been adopted in the Saurashtra and Kutch regions; but the systems in the Vidarbha and the Marathawada regions were based to meet the requirements of the *malguzari* and *jagiri* systems. Since these systems have been abolished in the pre-reorganisation period, the system of revenue accounts of Bombay will have to be introduced in those areas on the basis of the existing forms of accounts.

3. *Land Tenure Reforms:*

The Land Tenures Abolition Acts in Gujarat, Maharashtra, Saurashtra, Vidarbha and Marathawada aimed at abolition of the intermediary tenure-holders from the village administration and upgrading the tenants to the status of occupants in certain cases. Apart from the resumption of the *inam* and non-ryotwari lands, the Acts have resumed cash allowances associated with such *inams* and tenures. Broadly speaking, this process of abolition of the intermediaries is well-nigh complete in Gujarat, Maharashtra, Saurashtra, Vidarbha and Marathawada. But such intermediaries are yet to be removed by legislation in Kutch.

Now we have to consider the future reforms for the whole State. In the Gujarat and Maharashtra regions, in spite of passing several Abolition Acts, there survive certain alienations such as the alienations in the merged areas and former enclave villages, grants of lands held for feeding dogs and doves, the Dholera grant, etc. Legislation will have to be undertaken to resume them on the lines of the Land Tenures Abolition Acts enacted by Government.

Further, the existing Acts require modification either to exclude or include certain provisions for the sake of consistency. To begin with, certain Acts like the Bombay Taluqdari Tenure Abolition Act, 1949, do not provide for saving the *devasthan* and *dharmada* grants held by religious and charitable institutions. In the *ex-taluqdari* villages particularly in the

Dholka and Dhandhuka talukas of the Ahmedabad district, extensive lands are held by temples of religious sects. On the analogy of other Abolition Acts, such grants require to be excluded from the purview of such Acts. Further, the Bombay Village Service Inams (Useful to Community) (Gujarat and Konkan) Resumption Rules, 1954, do not provide for re-grant of the resumed lands after resumption of the inam lands. This lacuna will have to be filled up. Further, the Saurashtra Land Reforms Acts allow considerable areas as Gharkhed and lands allotted for personal cultivation. The Bombay Land Reforms Acts allow the existing Gharkhed lands to continue in the possession of the Inamdars and Jagirdars. Unlike the Saurashtra Acts, the Bombay Acts do not classify the Jagirdars into A, B and C classes and fix the maximum area that could be held for personal cultivation. The result is that in Gujarat and Maharashtra several Inamdars and Jagirdars who had no Gharkhed lands at the time of resumption have been left in the lurch. Of course, Government has issued orders for grant to such Jagirdars, of lands for personal cultivation from the lands vested in Government under the Bombay Jagirs Abolition Act. It is very likely that there may not be many Jagiri villages where such vested lands might be available for allotment. In the case of Jagirdars of such villages, provision for allotment of lands from their former tenants on the Saurashtra lines may be considered for amelioration of their conditions. If this course is not considered feasible, the rehabilitation grant for a period varying from 3 to 6 years may be given to them on the analogy of such grants given to the B and C class Girasdars in Saurashtra. Of course, this is a question of policy of Government.

Under the Saurashtra laws, compensation is payable to Girasdars and Barkhalidars in cash and not in transferable bonds like Bombay. It will have to be considered whether such payments should in future be in transferable bonds or the present method of cash payment should be continued. If the latter course is adopted, it would appear as an invidious distinction between the Jagirdars of Gujarat and Saurashtra. This question will have to be considered seriously by the Government of the new State.

In Kutch, so far, no legislation has been undertaken for resumption of the inams and jagirs. A fresh legislation for their abolition on the lines of Gujarat and Maharashtra and Saurashtra Acts is under consideration of Government.

In *Vidarbha*, the land tenures chiefly consisted of the Malguzari, Zamindari, Izara, Jagiri and Muafi systems. The special features of the legislation have already been pointed out while dealing with those systems. The Malguzari Abolition Act, 1950, and the C.P. and Berar Revocation of Land Revenue Exemptions Act, 1948, are in operation for over 5 years. The pattern of compensation, interim compensation, payment of compensation in cash, rehabilitation grants, determination of Malguzar's debts and their payment from the compensation awarded, overall resumption of the interests in land, mines and minerals and forests are all peculiar to Vidarbha. As these Acts are in operation for over 5 years, they have practically been implemented fully. For these reasons, it would not be expedient to amend those provisions which are distinguishable from those of the Bombay Acts.

As regards the *Hyderabad Acts*, the pattern of the abolition of the jagirs, inams, and cash grants is different from that of the Bombay Acts. The Jagirs Abolition Regulation and the Abolition of Cash Grants Act are practically implemented. The Abolition of Inams Act is being implemented. It would, therefore, not be expedient to disturb the pattern of the compensation and other provisions of those laws at this stage.

Despite these considerations, one fact stands out against our Acts, i.e. these Acts provide for payment of compensation in cash; whereas the Bombay Acts provide payment in transferable bonds only. As this would involve the reorganised State of Bombay into heavy financial commitments for Vidarbha, Marathawada and Saurashtra areas, Government may consider the advisability of paying compensation in transferable bonds like Bombay.

The suggestions made above are only illustrative and not exhaustive. The lines of future action for the tenure reforms will have to be chalked out after studying the operation and effects of the Land Tenures Abolition Acts of the constituent units.

4. *The Tenancy Reforms:*

We have seen that for the Gujarat and Maharashtra regions, there is a comprehensive legislation in the Bombay Tenancy and Agricultural Lands Act, 1948, as amended from time to time. The Amending Act of 1955 has come into force very recently from August 1, 1956. Its implementation is to be spread over the entire Plan period and beyond. Out of all the

land reforms enacted by the Bombay State, this is the only legislation which has affected the largest number of persons and lands. We have to wait and watch its operation and effects.

When the revenue machinery is to be geared to the implementation of this revolutionary legislation, we may take a cue from the tenancy reforms effected in Japan, where the programme of transfer of land to tenants was carried out in the most successful and spectacular manner. Since World War II, the area under tenancy in Japan is reduced from 47% to 8%. The most important factor which contributed to the success of the reforms was the provision for the farmer's active role in the process of land distribution. The entire programme was supervised through the Land Commissions built on participation at the village level.¹⁰ Such a participation would make the change-over from the tenancy to the occupancy status, smooth. In implementing our tenancy legislation, effectively and quickly, it would be in the fitness of things to associate the tenants and landlords in the compulsory purchase and land distribution.

The tenancy problem in Saurashtra as stated before is very small and requires to be distinguished from that of Gujarat. Soon after the integration of the States in 1948, the tenants of the khalsa lands which formed two-thirds area of Saurashtra were made occupants without charging any occupancy price. Under the Land Reforms laws, the tenants-at-will of the former Girasdari and Barkhali lands, which formed one-third of the area of the State, have also become occupants on payment of six multiples of assessment to their landlords. If there are any tenants in the State, they are of the lands held by Girasdars and Barkhalidars in respect of their Gharkhed and lands allotted for personal cultivation. And their number, it should be remembered, is not large. In the circumstances, to all intents and purposes, there is no tenancy problem in that State in an appreciable manner. What is to be guarded against is the emergence of new tenancies and absentee landlordism. In order to check these tendencies, the Saurashtra Prevention of Leases Act, 1953, has been passed. Under the Act, till August 1955, about 2,000 tenants were registered. For such tenants, a simple tenancy legislation fixing the conditions of tenure and rents and rights to home steads, trees, etc., will have to be undertaken.

¹⁰ FAO: Report on the Centre on Land Problems in Asia and the Far East, Bangkok, Thailand (1955), p. 20.

In Kutch, the Bombay Tenancy and Agricultural Lands Act, 1948, and the Rules, have been adopted and applied in 1950. How far the tenants' rights have been settled and stabilised under that legislation will have to be ascertained before considering the application of the Bombay Tenancy and Agricultural Lands (Amendment) Act of 1955. Since the region is small in size and highly rural, there may be acute tenancy problems requiring urgent solution. All the same, steps will have to be considered for making the tenancy law uniform subject to regional variations.

The tenancy problem in Vidarbha has been much simplified after the abolition of the proprietary rights of Malguzars, Zamindars and Ijardars and conferment of occupancy status to the former tenants of different categories by the Malguzari Abolition Act, 1950. The size of the problem is further reduced by conferment of the Bhumiswami and Bhumidhari rights on the occupancy tenants on payment of 7 or 10 times the rent by the Madhya Pradesh Land Revenue Code, 1954. Under the Code, the Government lessees have also been made eligible for the Bhumiswami and Bhumidhari rights. As a result, there remain only ordinary tenants who require levelling up to the status of Bhumiswamis. In short, the problem of tenancy is much reduced in size. Except an indirect ceiling of 50 acres on individual holdings in the Berar districts, there is no legal provision for imposition of ceilings or the floor area in Vidarbha. This question will have to be tackled with reference to the existing holdings and future acquisition of holdings. In this background, the problem of tenancy may be treated as practically solved in Vidarbha.

The tenancy problem in *Marathawada* has been regulated by a comprehensive legislation called the Hyderabad Tenancy and Agricultural Lands Act, 1950. The special features of this Act have already been described in the Chapter concerned. It will be seen therefrom that in its broad features, it conforms to the provisions of the Bombay Tenancy legislation. It would, therefore, not be expedient to amend its provisions in order to bring certain provisions on a par with those of Bombay. The operation of the Act, particularly its amendment of 1954, should be carefully watched for some time before any amendment thereof is considered.

In conclusion, it may be stated that the tenancy problem in Saurashtra and Vidarbha has been much reduced in size and may be taken as solved for all practical purposes. As regards

Marathawada, the Hyderabad Tenancy Amending Act of 1954 has solved major issues in the tenancy matters. In Gujarat and Maharashtra, the Tenancy Amending Act of 1955 is recently brought in operation. Its operation and effects remain to be watched.

Transfer of ownership of land to tenants is one of the major planks of the land reform programme in India today. Correctly implemented, it may lead to a transformation of the system of absentee land ownership into a system of owner operated peasant farms. It does not lead to any disturbance of operative units or to any fresh fragmentation of land, as it aims at improvement of the status of the tenant to that of the owner and to secure him a greater share of the fruits of his labour. In this programme, "the role of the Government is crucial to the success of any programme of this sort not only in the planning and execution phase but in the follow-through. One must take advantages of the opportunities opened up by conferring ownership to cultivators and the resultant greater security and willingness to progress through developing effective extension services, credit community programme and the whole host of supporting and complementary activities of a modern complex developmental plan."¹¹

5. *Consolidation of Holdings:*

The consolidation of small and scattered holdings is accepted as a preliminary step to the formation of co-operative farming and co-operative land management. The consolidation programme should not be thought out in isolation but in the context of the entire land policy of the State. In national extension and community development project areas, consolidation of holdings should be undertaken as a task of primary importance in the agricultural programmes. In the Gujarat-Maharashtra region, there is a comprehensive legislation called the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, in operation for over 8 years. The progress of consolidation is quite satisfactory. But the Act aims only at the consolidation of landholders' lands and not of cultivation. As a result, much of the consolidation work done so far would be unsettled by the enforcement of the Land to the Tillers Act, 1955. If the consolidation of cultivation had been adopted from the very beginning, perhaps, this sort of unsettlement would not have arisen. But before this could be

¹¹ Report on Center on Land Problems in Asia and Far East by F.A.O. (1955), p. 21.

attempted, the people had to be made consolidation-minded. The consolidation of landholders' holdings was therefore only a preliminary step for consolidation of cultivation and co-operative farming.

The suggestions for amending the Act for making it more effective have already been offered in Chapter 20.

In Saurashtra, the Saurashtra Prevention of Fragmentation and Regulation of Holdings Act, 1954, is there. But it does not provide for consolidation of holdings, which are dwarfed and disparate. A fresh legislation on the Bombay model for consolidation would be necessary.

Before the reorganisation the Kutch Government had already requested the Government of India to extend the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, to that State; but the Government of India's approval has not yet been received.

In Vidarbha, the Madhya Pradesh Land Revenue Code provides for the consolidation of holdings. But it does not provide for the prevention of fragmentation and fixation of local and standard areas. Further, the consolidation is optional and the cost of the consolidation is recoverable from the tenure-holders affected thereby. In Marathawada, a recent legislation on the Bombay pattern is enacted but it differs from the Bombay legislation in respect of the formation of the village committees and levy and recovery of the cost of consolidation.

In short, there will be no difficulty in extending the Bombay Act of 1947 to the regions of Saurashtra and Kutch. But for the region of Vidarbha, the new Government will have to first consider whether the provision relating to the element of compulsion and prevention of fragmentation and fixation of the local and standard areas should not be introduced in that area. Further, both in Vidarbha and Marathawada, the cost of consolidation is recoverable from the tenure-holders. In view of the considerable expenditure being incurred in the rural areas by Government in the national extension and community development projects, the new Government may consider the advisability of levy and recovering the cost of consolidation from the tenure-holders in the pre-reorganisation Bombay area (Gujarat and Maharashtra).

6. *Land Reforms and Rural Credit:*

As stated before, the question of the land reforms *vis-a-vis* rural credit has assumed great importance now. The land

reform laws have prohibited leasing and sub-leasing generally. Once the land is leased, the owner's right to resume land even for personal cultivation is curtailed. Ceilings are placed on the future acquisition of lands in the pre-reorganisation Bombay and on the existing holdings also in Marathawada. Restrictions are placed on the sale, transfer or partitions of the lands to non-cultivators and below a certain prescribed acreage. All these restrictive measures have depreciated the value of lands and land has practically ceased to be a source of investment. The Rural Credit Survey of the Reserve Bank has revealed the following two broad tendencies in relation to rural credit: "Accepting the social desirability of the legislation as paramount, the fact nevertheless remains that implicit in the measures regarding debt relief, money-lending, tenure and tenancy is the curtailment of private credit, whether the money-lender's or the landlord's. Complementary to the desirability, therefore, is the need for large-scale development of institutional credit co-operative or State-sponsored."

"Between the need to make the cultivators' rights in land inalienable for reasons of social policy, and the need to make them alienable so as to facilitate the obtaining of credit, specially long-term credit, a certain degree of conflict is inherent in the developments we have noticed."¹² The Report, therefore, suggests a shift of emphasis from ownership to productive capacity—from land to the produce of land as a basis of credit and from dependence on eventual sale of land to dependence on effective supervision of operations as basis of recovery of credit.

The Report has also made certain startling disclosures about the supply of rural credit by Government and the co-operative credit societies during the last 70 years. Although the laws for grant of tagavi are in operation for over 70 years, the Government agency has supplied credit to the extent of 3.3% only. Further, although the co-operative credit societies are in existence for the last 50 years, they have supplied credit only upto 3.1% of the total borrowings of cultivators. Thus, 93% of the total amount borrowed by cultivators is from the private credit agencies consisting of professional money-lenders, agriculturists money-lenders, relatives, traders and landlords.¹³

In this background, the question of financing land reforms and facilitating the grant of loans from Government and co-

¹² All-India Rural Credit Survey of the Reserve Bank of India, General Report (1954), p. 128.

¹³ *Ibid.*, p. 167.

operative societies on the security of land has assumed unique importance. This question arose in the implementation of the abolition of the Girasdari and Barkhali tenures in Saurashtra in regard to the payment to the landholders of occupancy price by tenant-cum-occupants. And it has been solved by advancing large loans to them from the State Land Mortgage Bank.

In the Gujarat and Maharashtra regions, this problem has not come to the fore in the acute form so far. But it will have to be faced in financing the compulsory purchase of lands by tenants under the Tenancy Amending Act of 1955. The purchase price is to be determined between the limits of 20 and 200 multiples of assessment fixed on the land and paid in instalments in the case of tenants other than permanent tenants. When the private credit is considerably curtailed by the land reforms, Government should step in and supply credit on the analogy of the measures adopted in Saurashtra.

Presumably because of these reasons, the Second Five-Year Plan recommends¹⁴ three courses for financing such reforms: (1) Either the State should recover rent from tenants and finance payment of compensation to owners; or (2) the State might recover land revenue and on instalment basis, recover reasonable sums for payment of compensation; or (3) finally the State might recover only the land revenue and ask the tenants to pay compensation directly. The compensation may be payable in bonds redeemable during a period of 20 years. The second scheme has been adopted in financing the land reforms in Saurashtra, where the land revenue and instalments of occupancy price are recovered by Government from tenants and paid to the former Girasdars and Barkhalidars. For the Gujarat-Maharashtra region, the third scheme is adopted under which the tenants who have become occupants have to pay the occupancy price directly to the tenure-holders. In financing the compulsory purchase of the tenanted lands, Government will have to advance loans to several tenants for payment of purchase price.

Further, the Abolition Acts have generally re-granted the resumed lands on restricted tenure making thereby such lands inalienable without the permission of Government. Such persons can obtain short-term loans on the security of crops. But in the absence of alternative security, they may not be able to avail of facilities offered by co-operative institutions. In regard to such occupants of lands, the Planning Commission

¹⁴ The Second Five-Year Plan, p. 190.

has recommended that such occupants should have a right to mortgage land in order to obtain loans from Government and co-operative societies on the security of the lands.¹⁵ This suggestion deserves consideration. If it is accepted, the Bombay Land Revenue Code, 1879, will have to be suitably amended.

So far as the Vidarbha and Marathawada areas are concerned, the question of supply of credit will arise when Bhumidharis, occupancy tenants and Government lessees in Vidarbha and the protected tenants in Marathawada intend to become Bhumi-swamis and pattedars (occupants) respectively. In the compulsory transfer of the occupancy rights to the protected tenants in Marathawada particularly, the need for the credit will be urgent.

In the background of the facts stated above, it would be expedient for the new State Government to enact a separate legislation for supply of financial resources to the tenure-holders and tenants concerned instead of amending various Acts of the constituent units.

7. The Results of the Land Census:

In the First Five-Year Plan, the principle was laid down that there should be an absolute limit to the area of land which an individual might hold. The States were requested to fix such limits, having regard to their agrarian history and present problems. As there was no reliable information available regarding the distribution and size of holdings, the census of land holdings and cultivation was considered essential for the formulation of the land policy in its proper perspective. The Planning Commission, therefore, requested the State Governments to undertake such a land census in their States. Accordingly, in Bombay, Madhya Pradesh, Hyderabad, Saurashtra and Kutch, complete enumeration of holdings of all size groups has been conducted and completed. Among these States, Hyderabad was the first State to undertake the land census in the whole of India. The data collected related to the year 1953-54.

The main concepts employed in the census should be known in order to properly interpret the results of the census.

- (a) To begin with, the census related to agricultural land comprised in owner's holding. Agricultural land was defined to include cultivable area including groves and

¹⁵ The Second Five-Year Plan (1956), p. 183.

pastures. Unoccupied area such as forest and other uncultivable land and land held in urban areas were excluded.

- (b) The expression 'area owned' was defined to include lands held by owners as well as those held under occupancy rights. Persons who enjoyed *de facto* permanent and heritable rights were treated as owners. As a result, the lands held by the protected tenants in Bombay were included in this category.
- (c) The entire holding of agricultural land held by a person as owner throughout the State constituted a single holding. In the case of joint holdings, the share of each co-sharer was treated as separate holding.
- (d) The area under 'personal cultivation' was defined as the difference between 'the area owned' and 'the area leased'. The area leased represented land let out to a tenant without permanent and heritable rights, i.e. only the lands held by ordinary tenants in Bombay covered the category of the area leased.

The data so collected are provisional and have been classified according to (a) holdings concerning the area owned, and (b) those concerning the area under personal cultivation. They are set out in Appendix O.¹⁶

The results of this census are yet to be published by the Planning Commission. But from the provisional data published in the Second Five-Year Plan, the following broad inferences and tendencies are discernible:

		Percentage of holdings under personal cultivation	Percentage of land personally cultivated	Percentage of lands leased
Bombay ..	..	89.7	86.3	13.7
Saurashtra ..	..	98.3	98.4	1.6
Kutch ..	..	85.9	73.3	26.7
Madhya Pradesh ..	..	94.4	88.0	12.0
Hyderabad ..	..	89.2	82.9	17.1

These statistics show that in *Bombay*, 86.3% of the land is under personal cultivation leaving a balance of 13.7% as the

¹⁶ The Second Five-Year Plan, pp. 214-17.

leased lands. The area under personal cultivation which was about 77% in 1952-53 has risen to 86.3% in 1954. This is the result of the operation of the Bombay Tenancy and Agricultural Lands Act, 1948, under which the landlords have tried to resume the tenanted lands for personal cultivation. And this percentage will still rise under the operation of the Tenancy Amendment Act, 1955, whereunder the landlords have been permitted to resume lands for personal cultivation before 31st March 1957. Thereafter, the lands leased would be only of the Government, minors, widows, disabled persons and persons in the armed forces. The area owned includes the lands held by landlords and permanent and protected tenants. So when the lands held by permanent and protected tenants are excluded from the 'area owned', the correct percentage of the leased lands in the State can be ascertained. Since separate figures for such categories of lands are not tabulated, the exact tendencies are difficult to detect.

Saurashtra has 98.4% of lands under personal cultivation with only 1.6% of lands leased to tenants. The highest percentage of the lands under personal cultivation is due to the operation of the Land Reforms Acts under which the Girasdars and the Barkhalidars are allowed to have lands for Gharkhed upto three economic holdings and the erstwhile tenants of the khalsa and non-khalsa villages are made occupants. Further, the leasing of lands is generally prohibited, exception being made only in the case of widows, minors, disabled persons and persons in the armed forces. Practically, there is, therefore, no tenancy problem in any appreciable manner in Saurashtra.

Kutch has 73.3% of the lands under personal cultivation which is the lowest in the constituent units. The reason is that the land reforms for abolition of the intermediaries and conferment of the occupancy rights on the tenants have not yet been undertaken in that State. The absentee landlordism is there, as 26.7% of the area is still cultivated by tenants. The reorganised State will have to undertake reforms both for the removal of the intermediaries and tenancy legislation.

In *Madhya Pradesh*, the percentage of land under personal cultivation is 88, thus leaving only 12 per cent as leased lands. This is the result of the abolition of the Malguzari, Zamindari, Jagiri and Ijara villages from the State and conferment of the occupancy rights on the existing tenants such as absolute occupancy tenants, occupancy tenants, sub-tenants and ordinary tenants. The *Madhya Pradesh Land Revenue Code, 1954*,

recognises only two categories of tenants, ordinary and occupancy. The occupancy tenants are also given right to acquire Bhumiswami and Bhumidhari rights on payment of fixed amounts to the tenure-holders. Even the Government lessees are given right to acquire such rights on payment of the stipulated occupancy price to Government. Thus, the size of the tenancy problem is much reduced.

As regards *Hyderabad*, the percentage of holdings under personal cultivation is 82.9, leaving 17.1 per cent as leased lands. The high percentage of the lands under personal cultivation may be attributed to the operation of the Hyderabad Tenancy and Agricultural Lands Act, 1950, under which the protected tenants were given right to purchase the holdings of the landholder upto a certain limit, and Government transferred to such tenants the occupancy rights of the landholders on payment of the stipulated purchase-price. Further, the conferment of the occupancy rights on the cultivators of the former jagiri villages is also responsible for such a high percentage.

Further, the statistics show a considerable divergence in the size of the owned holding in the three units as stated below:

				<i>Size of owned holding in acres</i>
Bombay	...	...	...	9.91
Saurashtra	...	...	...	24.80
Kutch	...	...	...	23.38
Madhya Pradesh	...	...	...	8.34
Hyderabad	...	...	...	16.8

There is practically not much difference in the size of the owned holdings in Saurashtra and Kutch. This fact is attributed to different reasons. In the former, the economic holding is generally fixed at 32 acres, whereas in the latter, in the absence of legislation for abolition of intermediaries and ceilings on holdings, there is great concentration of lands in a few persons. Amongst the five units, Madhya Pradesh and Bombay have the smallest sizes of 8.34 and 9.91 acres, which may be obviously the result of the operation of the Land Tenures Abolition Acts and the Tenancy Legislation. The Hyderabad position is in the mid-way. The tenancy legislation has greatly reduced the size of the individual holding.

Apart from the size of the holding, we may examine the concentration of lands in certain groups. In Bombay, in the

group of less than 5 acres, the percentage of holdings is 51.3, whereas the percentage of area is only 10.3. This shows that practically half the number of holdings is held by persons having holdings less than 5 acres. The concentration is in the size group 15-30 acres which covers 25.2% of the land with 11.9% of holdings. But the greatest concentration of lands is found in the groups 30-45 to above 60 acres under which 36.6% of the area is held in 6.4% of owned holdings, i.e. about one-third of the owned area is concentrated in 6.4% of the holdings.

In Saurashtra, the picture is entirely different. In the group of holdings less than 5 acres, there is only 1.2% of land. However, the concentration of holdings and the area is found in the group of 15-30 acres, whereunder 29.7% of the owned area is covered by 33.6% of the holdings. This is obviously the result of the Abolition Acts in that State. But the concentration of the holdings and owned area is much higher than in Bombay in the size groups 30-45 to above 60 acres since 58.1% of the area is covered by 29.7% of holdings in that State.

In view of the small size and the physical configuration of the State, Kutch has less concentration. In the size-group of less than 5 acres, we have area of 2.7% covering 20.5% of the holdings. The heaviest concentration is in the size group of above 60 acres, whereunder 7.8% of the owned holdings covers 34.4% of the total area of the State, i.e. one-third of the area of the State is concentrated in 7.8% of the owned holdings. This fact calls for urgent measures of land reforms for abolition of absentee landlordism and imposition of ceilings on individual holdings.

In *Madhya Pradesh*, according to the Sample Enquiry into Village Economy conducted in 1949 by Professor Naidu under the aegis of the Revenue Department of the Madhya Pradesh, the small-size holdings of 5 acres and 6 to 10 acres had increased by 34 per cent and 30 per cent respectively. Holdings of 11 to 30 acres had fallen by 11.5 per cent; whereas the holdings of 31 acres and above had fallen by 27.5 per cent. Thus, during two decades preceding 1949, small holdings under 10 acres had on an average increased by $\frac{1}{3}$ rd of their number in 1930. It was also noticed that the Amravati district led in respect of small holdings. In the Berar districts, 24 per cent to as high as 38 per cent of land under cultivation was owned by less than 5 per cent of the holders.¹⁷

¹⁷ Madhya Pradesh Government: *Report of the Agricultural Policy Committee* (1951), p. 10.

This was the position of the size of holdings in 1949. But the land census conducted in 1953-54 has revealed that the position has changed because of the operation of the land reform legislation.

As revealed in the land census, in the group of less than 5 acres, the percentage of holdings is more than half (59.4), whereas the percentage of the areas, covered by them is only 13.6. The highest concentration is, however, in the size-group of 15-30 acres, which covers 21.4 per cent of the area with 8.7 per cent of holdings. If the size-groups of 30-45 to above 60 acres are added, it is found that 55.7 per cent of the land is concentrated in 12.6 per cent of the holdings under personal cultivation. This is because except an indirect ceiling on holdings in Berar, no ceilings are fixed for individual holdings in Madhya Pradesh.

In Hyderabad, however, we find greater fragmentation in the size-group of less than 5 acres because 32 per cent of the holdings cover only 4.5 per cent of the land. The concentration of holdings is found in the size-groups of 15-30 acres and above 60 acres. In the former group (15-30 acres), 19.1 per cent of the holdings covers 23.9 per cent of the land. But the highest concentration is in the size-group of above 60 acres, where 28.7 per cent of the land is held in 4.1 per cent of holdings. Such a concentration has been due to the existence of jagirs before the land census was undertaken in 1953-54. These concentrated holdings are likely to be broken up by the operation of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1954, under which the ceilings on the existing and future land holdings have been imposed in the shape of the family holdings. As the census was conducted before the enforcement of the Amendment of 1954, its effects are not reflected in that census.

These are the broad results deduced from the provisional data published in the Second Five-Year Plan.

8. *Co-operative Farming:*

As a result of the tenancy reforms and the fixation of ceiling areas, there will be a considerable increase in the number of small peasant proprietors. There is a general agreement that the small farms and farms below the economic holding should be pooled together for securing the benefits of large-scale production without affecting any of the social institutions and interfering with the framework of private property. The main objectives of such farming are to increase the yield from land

and to secure better returns to cultivators by consolidating their holdings, better marketing facilities, establishment of small-scale cottage industries and increase in irrigational facilities. So far, in India, the progress of co-operative farming has been meagre. The Planning Commission (p. 201), therefore, recommends that during the Second Five-Year Plan, steps should be taken as would provide sound foundations for the development of co-operative farming so that within the next decade, a substantial proportion of agricultural lands would be brought under co-operative farming. It has directed the State Governments to fix targets which should be closely related to and dovetailed with the targets of agricultural production and the programme of national extension and community project areas.

For the pooling of lands, the Commission suggests one of the three methods, viz.—

- (1) retention of individual ownership in land and management of land as one unit, the owners being compensated in the form of ownership dividend,
- (2) the periodic leasing of lands to a co-operative society on rents agreed or prescribed by law, or
- (3) the transfer of ownership of land to a co-operative society on grant of shares representing the value of land.

Thus, the concept of private ownership of land is retained or compensated. In order to encourage such farming, special assistance should be given in regard to co-operative credit, preference in supply of improved seeds, fertilizers and material for local construction, facilities for consolidation of farms, preference in the leasing of lands reclaimed by Government, cultivable waste lands, technical assistance of personnel, subsidy in managerial expenses, etc. The co-operation in non-farm activities should also be encouraged. In implementing this programme, there is great need for widespread training at all levels.

In the Bombay State, stray experiments in crop farming were made as far back as 1921; but the real movement started after 1947. During the year 1954-55, there were the co-operative societies of the categories as specified in the table on the next page.

During the year 1954-55, Government granted to 58 farming societies loans and subsidies to the extent of Rs. 13,13,115 and Rs. 6,92,758, respectively.

One significant development during the year was that federation of farming and lift irrigation societies was registered in

Category of society according to the ownership of lands	No. of societies	Total area covered in acres	Total membership
1. Lands granted by Government permanently and on lease ..	207	61,018	7,467
2. Lands obtained on lease from outsiders	96	21,991	3,444
3. Lands of private ownership pooled together ..	46	9,387	1,721

the Baroda district. And some societies for want of effective leadership were liquidated in the Sholapur district.

It will appear that the co-operative farming movement has progressed mainly on lands made available by Government. Some progress is also made in relation to organisation of farming societies on lands taken on lease from landlords. The progress made in the field of individual cultivators grouping themselves together for farming has been relatively smaller. Thus, the concept of individual ownership on the ancestral acre of land is strong and will require steady and patient propaganda to remove it. The movement has not been able to show spectacular results because the lands leased out are mostly of inferior quality and the membership is from the backward class people.

The movement has served the purpose of efficiently rehabilitating some of the worst placed amongst the have-nots in the population. It will be some years before the effectiveness of the movement as a means of increasing productivity can be said to have been fully tested.

As regards Saurashtra, in the nature of things, the movement of co-operative farming is in the initial stages of development; but it is progressing rapidly. On 1-4-1954, the number of farming societies which was 23, had increased to 41 by the end of December 1955.¹⁸ This is a good augury for the movement.

As for Kutch, in view of its backward condition, it is not likely that the co-operative farming might have been undertaken.

¹⁸ The Annual Administration Report of the Saurashtra State ending March 1955 published in 1956, p. 341.

MARATHAWADA

In *Marathawada*, there is no separate legislation for formation of co-operative farming societies. But the Hyderabad Tenancy and Agricultural Lands Act, 1950, provides for such farms in Chapter VIII thereof. Accordingly, any ten or more persons of a village or two or more contiguous villages either as landholders or protected tenants holding rights in and possession over 50 acres or more in them and desiring to start a co-operative farm may apply to the Registrar of Co-operative Societies, for registration thereof. After proper inquiries, the Registrar may grant a certificate of registration of the farm. After registration, all lands held by a member in the village or contiguous villages shall be deemed to be transferred to and held by the co-operative farm, which may thereafter use them for agricultural purposes and development of cottage industries.

Formation of a co-operative farm of holdings below the family holding are also allowed if not less than $\frac{2}{3}$ rds of the total number of landholders having rights in them and holding between them not less than $\frac{2}{3}$ rds of the aggregate area comprised in all such holdings in the village or villages, jointly apply to the Collector for establishment of a co-operative farm. The Collector will then hold inquiries, consider objections if any and then order that the co-operative farm consisting of all such lands be established. Then the Registrar will issue a registration certificate for the same. Thereafter, all such lands shall be deemed to have been transferred to such a farm for purposes of agriculture and development of cottage industries. Provision is made for acquisition, on payment of compensation of lands of landholders not joining the farm. *Despite this the lands contributed to the farm shall continue to vest in the respective landholder thereof as before.*

The farm shall be liable to Government for payment of land revenue and other cesses.

The heirs of the deceased members are entitled to become members of the farm.

For encouraging such farm, Government may advance loans and concessions and facilities such as reduction of land revenue, reduction or exemption from agricultural income-tax, free technical advice, financial aid and subsidies and priorities in irrigation from the State irrigation works.

The provisions broadly implement the recommendations of the Planning Commission in the matter.

In short, the co-operative farming movement is in the initial stages of development in Marathawada.

In *Vidarbha*, the co-operative farming is also in the initial stages of development. One Naya Akola Co-operative Farming Society was formed in 1949 in the Naya Akola village near Amravati where the percentage of land owners and landless labourers was high. The society raised loans amounting to Rs. 19,000 from various sources such as Tagavi, the Amravati Central Bank, local multi-purpose society and deposits from non-members. The members mortgaged their lands to the society which was authorised to re-mortgage them for raising loans.

One co-operative collective farming society was formed at Vihad in the Chanda district to re-settle the displaced persons from the Punjab. The problems of the society were primarily those of re-settlement and secondarily those of agriculture.

Thus, the organisation of the co-operative farming societies is in the experimental stage in Vidarbha. From the experiments made so far, it appears that the success of the movement will depend upon the local initiative, availability of adequate finance and good management of the farm. The Madhya Pradesh Agriculture Policy Committee of 1951 has recommended that the pattern of the co-operative society should be the co-operative joint farming or collective farming with such minor modifications, as the co-operators feel necessary and that it should not necessarily be limited to uneconomic holdings but could be adopted as a solution for bettering agricultural production and lowering its cost (*vide* para 441 of the Report).

In conclusion, except in the pre-reorganisation Bombay State, the co-operative farming movement has not progressed beyond the experimental stage. So, vigorous efforts will have to be made to form such societies in the transferred territories of Saurashtra, Kutch, Marathawada and Vidarbha. According to the recommendations of the Planning Commission, during the next decade, all holdings of the small peasant proprietors and those below the size of an economic holding will have to be brought under the co-operative farming preparatory to the introduction of co-operative land management in the villages.

We are however warned against unthinking enthusiasm for agricultural co-operativisation by the Indian Co-operative Union in its memorandum submitted to the Planning Commission.¹⁹

¹⁹ *Co-operative Farming: Some Critical Reflections* by Raj Krishna, L. C. Jain and Gopi Krishnan, Indian Co-operative Union, New Delhi.

The Union believes that the difficulties of forming agrarian co-operatives are under-rated and the anticipated benefits are exaggerated partly on account of idealism and partly on the basis of theory. Joint farming has succeeded in a few places and only when it has been backed by a strong religious faith or necessitated by conditions of distress or political pressure. The moment this pressure is relaxed, a tendency to revert to individual farming has appeared. The sense of property is so deeply rooted in the psychology of the Indian peasant and his attachment to the land is so strong that any proposal to deprive the farmer of independent rights of cultivation and cropping of land arouses his deep and instinctive hostility. The Union, therefore, holds that co-operatives are needed to serve a small farmer but not to supplant him. In this background, the true role of co-operation lies in raising output per acre through the agency of supply credit and marketing co-operatives, etc., which serve the small farmer without supplanting him.

In short, according to the Union, co-operative farming in India is "an exercise at frustration" and has only an ideological and not an economic basis. The Union, however, forgets that "unlike Western Europe or the United States, but very much like China, we visualize co-operative farming as a part of socialist transformation of our country". With proper educative experiments the co-operative farming can be made a success in India. As Shri Sunil Guha puts it, the question is not whether India should adopt co-operative farming, but the form which we should take, the manner in which it should be introduced and the concessions which might be needed to persuade the traditionally individualistic peasants to pool their parcels of lands. As in China, we can also put emphasis on the principle of mutual benefit, allow the right to withdraw, distribute small private plots for cultivation, give compensation for draught animals and farm tools and finally evolve a system of operational norms for providing incentives. Production is and should be the key issue.²⁰ With proper education persuasion and successful demonstration, we can make co-operative farming a great success in India.

Conclusion:

By now, we have reviewed all the land systems and reforms in the different regions in the reorganised State. The review has revealed that the land tenure reforms are nearing completion

²⁰ Sunil Guha's article "Co-operative Farming in India", a rejoinder to I.C.U. Monograph in the *Economic Review*, February 15th, 1957.

in Gujarat, Maharashtra, Vidarbha, Marathawada and Saurashtra. The tenancy reform in Gujarat, Maharashtra and Marathawada enters the final and important phase. Fortunately, the problem has been solved in Saurashtra and Vidarbha; but it remains to be tackled in Kutch. The process of consolidation of holdings has made good headway in Gujarat, Maharashtra and Vidarbha. In the regions of Marathawada, Saurashtra and Kutch, such reforms will have to be undertaken. Except in Gujarat and Maharashtra, the co-operative farming is in the experimental stages. Its tempo will have to be accelerated. The rationalisation of land revenue, however, will be the biggest fundamental problem that the reorganised State will have to tackle. In that reform, exigencies of administration and political expediency will be the factors more important than the doctrinaire principles of land revenue settlement.

In the context of this background, the ground is paved for co-operative land management in these regions through the national extension schemes, community development projects and the village panchayats which are to be the developmental agency at the village level. By the commencement of the major and medium irrigation projects, the stage is also set for industrialisation and consequent diversification of occupations. Consequently, pressure on the available cultivable lands as a means of livelihood will diminish in the next decade. It is evident that all these measures are adopted primarily for the administrative integration of the areas, but we should not forget that they would become successful only by the economic and emotional integration of the peoples inhabiting them. In the interest of the nation, we should pray to God for such an integration.

APPENDICES

APPENDIX A

Statement showing the annual rainfall for the Gujarat State

GUJARAT:

District	Average normal annual rainfall in inches for 1952-53		
1. Ahmedabad	29.21
2. Kaira	31.90
3. Broach	36.71
4. Panch Mahals	39.98
5. Surat	41.67
6. Banas Kantha	29.87
7. Mehsana	24.39
8. Sabar Kantha	30.66
9. Amreli	18.27
10. Baroda	40.94

KONKAN:

1. Thana	..	..	98.63
2. Alibag (Kolaba)	..	..	62.42
3. Ratnagiri	..	..	95.24

DECCAN:

1. Dhulia (W.K.)	..	..	23.01
2. Jalgaon (E.K.)	..	..	30.50
3. Dangs	..	..	66.34
4. Nasik	..	..	29.71
5. Ahmednagar	..	..	23.67
6. Poona	..	..	26.49
7. Sholapur	..	..	27.20
8. Satara (North)	..	..	39.79

SAURASHTRA:

Centres	Total rainfall for the year 1951		
1. Bhavnagar	10.14
2. Dwarka	24.02
3. Jamnagar	17.76
4. Rajkot	19.89
5. Veraval	23.11

KUTCH	14.00
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APPENDIX

Statement showing the areas under different crops

	Gujarat		
	1951-52	1952-53	Percentage increase or decrease
1	2		
	Acres	Acres	
Food Crops	78,808	90,128	+ 14.4
Non-food Crops	53,533	45,788	— 14.5
Gross Cropped Area	1,32,341	1,35,916	+ 2.7
Double Cropped Area	7,971	5,078	— 36.3
Net Cropped Area	1,24,370	1,30,838	+ 5.2
Crops :			
Rice	9,912	10,748	+ 8.4
Wheat	3,340	6,401	+ 91.6
Kharif Jowar	14,108	15,063	+ 6.8
Rabi Jowar	4,881	5,207	+ 6.8
Bajri	22,708	27,894	+ 22.8
Barley	187	194	+ 3.7
Ragi	1,586	1,454	— 8.3
Maize	4,866	5,020	+ 3.2
Kodra	3,159	3,722	+ 17.8
Gram	396	1,145	+189.1
Tur	1,853	1,772	— 4.4
Sugarcane	108	93	— 13.9
Cotton	20,975	17,986	— 14.3
Groundnut	7,509	6,170	— 17.8
Sesamum	2,637	2,474	— 6.2
Rape and Mustard	703	484	— 31.2
Linseed	2	1	— 50.0
Tobacco	890	1,642	+ 84.5

(Vide Season and Crop Report for the year 1952-53 published in the year 1956.)

B

in Gujarat and Maharashtra during 1952-53

Konkan			Deccan		
1951-52	1952-53	Percentage increase or decrease	1951-52	1952-53	Percentage increase or decrease
3			4		
Acres	Acres		Acres	Acres	
17,853	18,036	+ 1.0	1,30,186	1,27,104	— 2.4
5,564	5,749	+ 3.5	35,217	36,350	+ 3.2
23,407	23,785	+ 1.6	1,65,403	1,63,454	— 1.2
933	898	— 3.8	7,530	7,738	+ 2.8
22,474	22,887	+ 1.8	1,57,873	1,55,716	— 1.4
11,737	11,860	+ 1.0	3,897	3,697	— 5.1
1	..	+100.0	6,608	5,425	—17.9
13	22	+ 69.2	7,854	7,313	— 6.9
7	..	—100.0	47,093	51,645	+ 9.7
..	..	..	33,791	32,535	— 3.7
..	..	..	92	36	—60.9
2,468	2,538	+ 2.8	1,834	2,396	+ 30.6
..	..	..	388	405	+ 4.4
683	689	+ 0.9	367	266	—27.5
43	42	— 2.3	4,469	3,039	—32.0
135	136	+ 0.7	2,448	2,087	—14.7
41	41	..	1,287	1,226	— 4.7
..	..	..	6,466	6,678	+ 3.3
9	10	+ 11.1	10,695	10,336	— 3.4
66	193	+192.4	815	632	—22.5
..	..	..	109	103	— 5.5
..	..	..	162	144	—11.1
..	..	..	47	63	+ 34.0

APPENDIX

Classification of Area in each District

S. No.	District	Total Geographical Area—By Village papers			Classification					
					Forests			Barren and uncultivated land		
		Reported	Non-reported	Total	Re-reported	Non-reported	Total	Re-reported	Non-reported	Total
(1)	(2)	(3)			(4)					
		Acres	Acres	Acres	Acres	Acres	Acres	Acres	Acres	Acres
BOMBAY STATE										
Gujarat										
1. Banaskantha ..	10,933	16,616	27,549	90	2,287	2,377	2,087	2,571	4,658	
2. Mehsana ..	22,763	4,940	27,703	54	155	209	438	148	586	
3. Sabarkantha ..	12,475	3,525	16,000	222	460	682	1,612	1,278	2,890	
4. Ahmedabad ..	20,970	1,260	22,230	30	..	30	4,250	230	4,480	
5. Kaira ..	16,345	273	16,618	49	..	49	2,310	29	2,339	
6. Panch Mahals ..	22,097	136	22,233	4,054	67	4,121	2,036	..	2,036	
7. Amroli ..	9,156	765	9,921	656	..	656	381	..	381	
8. Baroda ..	18,224	..	18,224	1,333	..	1,333	1,424	..	1,424	
9. Broach ..	18,832	82	18,914	2,535	25	2,560	2,250	..	2,250	
10. Surat ..	25,285	249	25,534	3,160	34	3,194	2,393	44	2,417	
Total Gujarat ..	1,77,080	27,846	2,04,926	12,183	3,028	15,211	19,161	4,300	23,461	
Konkan										
11. Thana ..	23,968	448	24,416	9,373	6	9,379	2,266	29	2,295	
12. Bombay Sub. ..	356	52	408	2	..	2	91	3	94	
13. Kolaba ..	16,221	728	16,949	3,980	40	4,020	2,707	93	2,800	
14. Ratnagiri ..	15,835	15,266	31,101	459	11	470	4,291	4,234	8,525	
15. Kanara ..	25,268	..	25,268	19,951	..	19,951	648	..	648	
Total Konkan ..	81,648	16,494	98,142	33,765	57	33,822	10,003	4,359	14,362	
Deccan										
16. West Khandesh ..	27,280	12,519	39,799	14,451	..	14,451	3,921	..	3,921	
17. East Khandesh ..	28,763	..	28,763	4,018	..	4,018	1,807	..	1,807	
18. Dangs ..	430	3,800	4,230	..	3,772	3,772	..	..	..
19. Nasik ..	38,178	115	38,293	8,089	13	8,102	1,986	1	1,987	
20. Ahmednagar ..	41,894	124	42,018	4,891	..	4,891	2,643	42	2,685	
21. Poona ..	37,834	534	38,368	4,312	25	4,337	2,856	16	2,872	
22. Sholapur ..	36,309	724	37,033	979	21	1,000	1,726	60	1,786	
23. North Satara ..	24,811	1,173	25,984	3,657	23	3,680	1,247	58	1,305	
Total Deccan ..	2,35,499	18,989	2,54,488	40,397	3,854	44,251	16,186	177	16,363	

(Vide Season and Crop Report

C

in Gujarat and Maharashtra in 1952-53

Classification								
Land put to non-agricultural use			Culturable waste			Permanent pastures and other grazing lands		
Reported	Non-reported	Total	Reported	Non-reported	Total	Reported	Non-reported	Total
(5)			(6)			(7)		
Acres	Acres	Acres	Acres	Acres	Acres	Acres	Acres	Acres
114	94	208	431	159	590	332	1,194	1,526
639	112	751	1,094	389	1,483	1,835	1,023	2,858
13	1	14	650	138	788	769	55	824
27	..	27	262	28	290	55	14	69
20	..	20	165	..	165	717	..	717
440	..	440	1,852	3	1,855	675	..	675
1,054	53	1,107	674	3	677	154	..	154
142	..	142	415	..	415	1,176	..	1,176
788	..	788	263	1	264	1,027	..	1,027
528	1	529	1,561	..	1,561	781	5	786
3,765	261	4,026	7,367	721	8,088	7,521	2,291	9,812
46	..	46	803	..	803	496	..	496
31	1	32	67	..	67	..	..	..
384	1	385	726	55	781	155	10	155
271	215	486	4,000	5,744	9,744	..	..	..
125	..	125	660	..	560	394	..	394
857	217	1,074	6,256	5,799	12,055	1,045	10	1,055
63	..	63	1,088	..	1,088	1,758	..	1,758
24	..	24	264	..	264	2,151	..	2,151
..
28	..	28	744	..	744	1,402	4	1,406
231	1	232	367	..	367	1,615	..	1,615
2,168	15	2,183	737	46	783	811	7	818
144	1	145	577	26	603	1,480	20	1,500
372	70	442	1,553	204	1,757	1,355	89	1,444
3,030	87	3,117	5,330	276	5,606	10,572	120	10,692

for the year 1952-53 published in 1956)

S.No.	District	Classification								
		Land under miscellaneous tree crops and groves not included in area sown			Current fallows			Other fallow land		
		Reported	Non-reported	Total	Reported	Non-reported	Total	Reported	Non-reported	Total
(1)		(2)			(3)			(4)		
		Acres	Acres	Acres	Acres	Acres	Acres	Acres	Acres	Acres
BOMBAY STATE										
Gujarat										
1. Banaskantha ..		20	809	829	143	413	556	219	456	675
2. Mehsana ..		183	46	229	399	327	726	408	914	1,322
3. Sabarkantha ..		161	6	167	271	145	416	320	46	366
4. Ahmedabad	193	2	195	1,772	134	1,906
5. Kaira	181	6	187	383	46	429
6. Panchmahals ..		65	..	65	250	..	250	804	14	818
7. Amreli	507	188	695	455	44	499
8. Baroda ..		249	..	249	288	..	288	610	..	610
9. Broach ..		17	..	17	107	1	108	1,032	39	1,071
10. Surat ..		266	1	267	182	..	182	368	..	368
Total Gujarat		961	862	1,823	2,521	1,082	3,603	6,371	1,693	8,064
Konkan										
11. Thana ..		33	..	33	1,430	73	1,503	2,270	246	2,516
12. Bombay Sub.	73	22	95
13. Kolaba ..		2,297	110	2,407	664	50	714	720	182	902
14. Ratnagiri	452	305	757	1,517	1,568	3,085
15. Kanara ..		237	..	237	56	..	56	582	..	582
Total Konkan ..		2,567	110	2,677	2,602	428	3,030	5,162	2,018	7,180
Deccan										
16. West Khandesh ..		92	..	92	678	..	678	731	..	731
17. East Khandesh ..		87	..	87	537	..	537	624	..	624
18. Dangs	67	67	..	..	..
19. Nasik ..		795	3	798	1,135	..	1,135	2,648	6	2,654
20. Ahmednagar ..		69	..	69	652	1	653	3,077	2	3,079
21. Poona ..		15	..	15	1,008	3	1,011	1,569	40	1,609
22. Sholapur ..		97	2	99	2,332	49	2,381	1,311	38	1,349
23. North Satara	797	17	814	258	3	261
Total Deccan ..		1,155	5	1,160	7,139	137	7,276	10,218	89	10,307

Vide Season and Crop Report of the Bombay State for the year 1952-53, Table II,

C—Contd.

Classification								
Net area sown			Area sown more than once			Total cropped area (i.e. gross cropped area).		
Reported	Non- reported	Total	Reported	Non- reported	Total	Report- ed	Non- reported	Total
(5)			(6)			(7)		
Acres	Acres	Acres	Acres	Acres	Acres	Acres	Acres	Acres
7,497	8,633	16,130	635	242	877	8,132	8,875	17,007
17,713	1,826	19,539	832	33	865	18,545	1,859	20,404
8,457	1,396	9,853	766	127	893	9,193	1,523	10,716
14,381	852	15,233	191	3	194	14,572	855	15,427
12,520	192	12,712	674	4	678	13,194	196	13,390
11,921	52	11,973	1,073	1	1,074	12,994	53	13,047
5,275	477	5,752	55	1	56	5,330	478	5,808
12,587	..	12,587	198	..	198	12,785	..	12,785
10,813	16	10,829	14	1	15	10,827	17	10,844
16,066	164	16,230	254	4	258	16,320	168	16,488
1,17,230	13,608	1,30,838	4,662	416	5,078	1,21,892	14,024	1,35,916
7,251	94	7,345	69	1	70	7,320	95	7,415
92	26	118	9	..	9	101	26	127
4,588	187	4,775	295	16	311	4,883	203	5,086
4,845	3,189	8,034	205	83	288	5,050	3,272	8,322
2,615	..	2,615	220	..	220	2,835	..	2,835
19,391	3,496	22,887	798	100	898	20,189	3,596	23,785
16,543	474	17,017	1,358	..	1,358	17,901	474	18,375
19,251	..	19,251	425	..	425	19,676	..	19,676
..	391	391	..	..	..	..	391	391
21,351	88	21,439	697	..	697	22,048	88	22,136
28,349	78	28,427	1,856	3	1,859	30,205	81	30,286
24,358	382	24,740	1,613	13	1,626	25,971	395	26,366
27,663	507	28,170	618	18	636	28,281	525	28,806
15,572	709	16,281	1,053	84	1,137	16,625	793	17,418
1,53,087	2,629	1,55,716	7,620	118	7,738	1,60,707	2,747	1,63,454

pp. 44-47.

APPENDIX D

*Statement * showing the progress of survey to the end of March 1955 in Saurashtra*

District	No. of villages to be surveyed	No. of villages surveyed	No. of villages under survey	No. of villages to be surveyed	Total acres to be surveyed in lakhs acres	Acres surveyed so far	Balance to be surveyed
1	2	3	4	5	6	7	8
1. Gohilwad ..	383	179	65	139	7,36,000	2,75,548	4,60,452
2. Halar ..	212	184	11	17	5,26,000	2,79,144	2,46,856
3. Madhya Saurashtra ..	449	302	45	102	11,08,000	5,93,547	5,14,453
4. Sorath ..	264	243	16	5	4,77,000	4,18,879	58,121
5. Zalawad ..	467	235	52	180	14,82,000	5,25,323	9,56,677
	1,775	1,143	789	443	43,29,000	20,92,441 + 25% waste land traverse	22,36,559
						5,23,110	5,23,110
						26,15,557	17,13,449

* Statement from the Annual Administration Report for the period April 1, 1954 to March 31, 1955, Government of Saurashtra, p. 472 (Appendix I).

APPENDIX E

Showing the position about the last round of settlements in Vidarbha

Name of district	Period during which the settlement operations were carried on and completed	
1. Wardha ..	C.P.	1910 to 1913.
2. Nagpur ..		1913 to 1916.
3. Chanda ..		1920 to 1924, 1929, 1930, 1932, 1933, 1936, 1940, 1943 and 1948.
4. Bhandara ..		1917, 1919, 1920, 1932 and 1936.
5. Buldhana ..	Berar	1901, 1919, 1925 to 1927.
6. Akola ..		1903, 1926 to 1928, and 1930 to 1932.
7. Amravati ..		1903 to 1904 and 1927 to 1928.
8. Yeotmal ..		1903, 1905 to 1907, 1909 and 1927 to 1932.

APPENDIX

*Statement showing information about assessment, Nuksan,
Land Tenures*

Name of the Act	No. of villages	Area of villages and lands	
1	2	3	
		A.	G.
1. The Bombay Bhagdari and Narwadari Tenure Abolition Act, 1949.	119	1,68,496	36
2. The Bombay Maleki Tenure Abolition Act, 1949.	27	57,664	0
3. The Bombay Panch Mahals Mehwasai Tenure Abolition Act, 1949.	18	41,025	0
4. The Bombay Watwa Vajifdari Rights Abolition Act, 1950.	1	3,831	0
5. The Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953.	153	2,18,283	36
6. The Bombay Merged Territories (Baroda Mulgiras Tenure Abolition) Act, 1953.	10	84,858	0
7. The Bombay (Okhamandal Salami Tenure Abolition) Act, 1953.	..	20,571	0
8. The Bombay Merged Territories (Baroda Watan Abolition) Act, 1953.	12	47,590	0
9. The Bombay Merged Territories Matadari Tenure Abolition Act, 1953.	31	64,603	35
10. The Bombay Service Inams Useful to Community (Gujarat and Konkan) Resumption Rules, 1954.	5	38,368	22
11. The Bombay Talukdari Tenure Abolition Act, 1949.	551 + 40 wantas	14,33,204	0
12. The Bombay Saranjams, Jahagirs and other Inams of Political nature Resumption Rules, 1952.	10	4,45,433	0
13. The Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953.	1,561 789	30,79,870	0
	2,350		
14. The Bombay Personal Inams Abolition Act, 1952.	157	41,13,004	0
15. The Bombay Paragana and Kulkarni Watans Abolition Act, 1950.	5	14,17,282	0
Total	3,389	1,12,34,085	9

F

holders, etc. in the Gujarat villages effected by the Bombay Abolition Acts

Assessment			Nuksan			No. of holders	Remarks
4			5			6	7
Rs.	a.	p.	Rs.	a.	p.		
7,71,024	15	0	3,504	2	2	10,738 (Bhagdars)	
1,23,511	1	0	6,829	0	0	....
22,459	4	2	6,085	7	0	110	
13,374	3	0	6,000	0	0	75	1 Chief Vajifdar 74 co-sharers.
2,82,667	9	0	1,71,840	1	7	456	
1,40,370	11	0	1,39,616	11	0	545	
12,115	0	0	11,443	0	0	1,435	
94,300	4	9	42,496	2	6	654	
88,922	15	0	38,304	10	11	301	
1,27,246	13	8	88,389	1	7	1,315	
15,23,428	0	2	7,85,638	13	4	2,983	
22,438	4	6	22,212	5	6	....
....			41,22,635	3	2	1,10,659	
24,90,376	6	5	16,21,468	10	8	1,65,852	
1,01,155	11	11	67,830	5	10	4,864*	*There was only one Kulkarni watan in Kapadvanj (Kaira dist.) consisting of cash allowance.
58,13,391	3	7	71,34,293	11	3	2,99,987	

APPENDIX

*Statement showing information about assessment, Nuksan,
Tenures Abolition*

Name of the Act 1	No. of villages 2	Area of villa- ges and lands 3
		Acres
1. The Bombay Service Inams (Useful to Com- munity) Abolition Act, 1953.	..	1,72,875
2. The Bombay Saranjams, Jagirs and other Inams of Political nature Resumption Rules, 1952.	125	3,79,504
3. The Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953.	297	5,30,311
4. The Bombay Personal Inams Abolition Act, 1952.	735	12,17,469
5. The Bombay Paragana and Kulkarni Watans Abolition Act, 1950.	72	2,78,303
6. The Bombay Bhil Naik Inams Abolition Act 1955.	23	25,852
THE KONKAN TENURES		
7. The Salsette Estates (Land Revenue Exemption Abolition) Act, 1951.	51	41,679
8. The Bombay Khoti Abolition Act, 1953 ..	1,412	14,95,777
9. The Bombay Merged Territories (Janjira and Bhor) Khoti Abolition Act, 1953.	159	34,821
10. The Bombay Kauli & Katuban Tenures Abo- lition Act, 1953.	..	70,702
11. The Bombay Shilotri Rights Abolition Act, 1955.	..	....
Total	2,874	42,47,293

G

holders, etc. in the villages affected by the Bombay Land Acts in Maharashtra

Assessment			Nuksan			No. of holders	Remarks
4			5			6	7
Rs.	a.	p.	Rs.	a.	p.		
1,77,460	2	4	1,40,129	14	5	19,419	Information relates to (1) Kolhapur, (2) South Satara, (3) East Khandesh, (4) Ratnagiri (5) Ahmednagar, (6) North Satara (7) Poona and (8) Nasik.
2,29,030	2	11	1,88,513	9	3	....	—do—
7,20,575	3	2	4,23,601	2	2	....	(1) Kolhapur, (2) South Satara, (3) Ratnagiri, (4) North Satara.
11,84,493	0	4	8,65,539	1	10	....	As in (1) above including Kolaba and excluding East Khandesh.
3,00,532	8	10	1,78,971	13	8	16,037	As in (1) above except East Khandesh.
12,587	7	8	6,293	13	1	13	For Nasik only.
1,98,788	11	6	1,62,990	4	3	....
8,43,414	6	6	....			....
42,865	0	0	....			....
25,299	15	1	4,076	6	7	3	For Kolhapur and Ratnagiri only.
....			
37,35,046	10	4	19,70,116	1	3	35,472	

APPENDIX

Statement showing the financial implications

S.No.	Name of the legislation	Amount of cash allowance resumed
		Rs. a. p.
1.	The Bombay Bhagdari and Narwadari Tenure Abolition Act, 1949 .. .. .	....
2.	The Bombay Maleki Tenure Abolition Act, 1949 ..	....
3.	The Bombay Panchmahals Mehwasssi Tenure Abolition Act, 1949 .. .. .	....
4.	The Bombay Watwa Vajifdari Rights Abolition Act, 1950 .. .. .	....
5.	The Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953 .. .. .	....
6.	The Bombay Merged Territories (Baroda Mulgiras Tenure Abolition) Act, 1953	4,910 8 0
7.	The Bombay (Okhamandal Salami Tenure Abolition) Act, 1953 .. .. .	....
8.	The Bombay Merged Territories (Baroda Watan Abolition) Act, 1953	27,159 5 0
9.	The Bombay Merged Territories Matadari Tenure Abolition Act, 1953 .. .. .	....
10.	The Bombay Service Inams Useful to Community (Gujarat and Konkan) Resumption Rules, 1954 ..	7,231 4 11
11.	The Bombay Talukdari Tenure Abolition Act, 1949 ..	....
12.	The Bombay Saranjams, Jahagirs and other Inams of Political nature, Resumption Rules, 1952 ..	....
13.	The Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953 .. .. .	....
14.	The Bombay Personal Inams Abolition Act, 1952 ..	31,194 12 0
15.	The Bombay Paragana and Kulkarni Watans Abolition Act, 1950	82,369 4 1
16.	The Bombay Merged Territories Miscellaneous Aliens Abolition Act, 1955	1,02,025 3 3
Total Rs.		2,54,890 5 3

H

of the legislation affecting Gujarat

Compensation estimates	Receipts		Expenditure	
	Recurring	Non-recurring	Recurring	Non-recurring
Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Govt. was not required to pay any compensation				
1,15,461 0 0	3,504 2 2	....	....	....
12,000 0 0	39,805 0 0	....	....	83,900 10 3
14,070 0 0	10,441 9 8	....	....	7,391 5 5
5,73,934 0 0	6,000 0 0	....	....	9,005 6 0
35,000 0 0	1,98,592 5 11	....	....	69,909 2 0
....	1,67,618 3 0	....	....	196 11 0
1,93,854 0 0	11,443 0 0	....	....	....
53,400 0 0	44,679 12 7	....	....	5,824 4 6
....	40,447 10 11	....	....	....
2,20,38,918 0 0	88,389 1 7	....	....	50,217 2 10
8,87,816 0 0	7,85,638 13 4	....	....	2,20,38,918 0 0
71,62,211 0 0	22,212 5 6	....	....	....
24,00,741 0 0 (Sec. 6 only)	41,22,635 3 2	....	....	60,00,000 0 0 (approx.)
57,11,307 0 0 (Sec. 6 (1) only)	16,21,468 10 8	....	....	(not available)
(N. A.)	67,830 15 10	1,502 8 0	....	5,86,381 10 5
	(N. A.)	(N. A.)	(N.A.)	(N. A.)
3,91,78,712 0 0	72,30,706 14 4	1,502 8 0	....	2,88,51,744 4 5

APPENDIX

Statement showing the financial implications

Name of the Legislation 1	Amount of cash allowances resumed		Compensation Estimates		Re- Recurring	
	2		3		4	
	Rs.	a. p.	Rs.	a. p.	Rs.	a. p.
1. The Bombay Service Inams (Useful to Community) Abolition Act, 1953.	4,893	5 8	28,429	10 3	37,261	2 0
2. The Bombay Saranjams, Jagirs and other Inams of Political nature Resumption Rules, 1952.	59,817	7 1	4,16,207	8 5	1,60,373	8 8
3. The Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953.	....		4,91,188	1 4	4,21,753	12 11
4. The Bombay Personal Inams Abolition Act, 1952.	1,32,231	4 8	9,25,619	1 8	10,12,709	13 7
5. The Bombay Paragana and Kulkarni Watans Abolition Act, 1950.	2,00,120	10 9	15,83,034	8 8	1,78,006	15 8
6. The Bombay Bhil Naik Inams Abolition Act, 1955.	....		....		....
KONKAN TENURES						
7. The Salsette Estates (Land Revenue Exemption) Abolition Act, 1951.	Nil		66,000	0 0	4,75,000	0 0
8. The Bombay Khoti Abolition Act, 1949.	Nil		No compensation for Ratnagiri. For Kolaba, figures not available		Nil*	
9. The Bombay Merged Territories (Janjira and Bhore) Khoti Abolition Act, 1953.	Nil		Not available		27,412	0 0
10. The Bombay Kauli and Katuban Tenures Abolition Act, 1953.	Nil		Nil		3,213	0 0
11. The Bombay Shilotri Rights Abolition Act, 1955.	Nil		Nil		Nil	
Total Rs.	3,97,062	12	35,10,478	14 4	23,22,399	10 9

I

of the land reforms legislation in Maharashtra

Receipts			Expenditure			Remarks
Non-Recurring			Recurring		Non-Recurring	
5			6		7	
Rs.	a.	p.	Rs.	a.	p.	8
7,821	12	0	....		28,429 10 3	Information pertaining to Poona, Nasik, Kolhapur, North Satara, South Satara, Ahmednagar.
....			....		4,16,207 8 5	Poona, Nasik, Kolhapur, Ahmednagar and North Satara.
....			....		....	Poona, Nasik, Kolhapur, North Satara and South Satara.
....			....		9,25,619 1 8	Poona, Nasik, Kolhapur, North Satara, South Satara and Ahmednagar.
1,17,474	1	8	....		16,10,925 0 11	Poona, Nasik, Kolhapur, North Satara, South Satara and Ahmednagar.
....		
....			75,710	0 0	66,000 0 0	
....			73,956	0 0	10,26,000 0 0	*Because Khots were paying to Government Jama equal to assessment.
....			Not available		Not available	
....			
Nil			Nil		Nil @	@ Government has to pay no compensation under the Act.
1,25,295	13	8	1,49,666	0 0	40,73,181 5 3	

APPENDIX J

*Statement showing financial implications of the
Saurashtra Land Reforms*

Short description of statements	Approximate net financial liability or gain to Government during 21 years		Remarks
	Net liability	Net gain	
	Rs.	Rs.	
1. Acquisition of occupancy rights by tenants from Girasdars ..	nil	nil	
2. Payment of compensation and rehabilitation grant by Government to Girasdars ..	nil	39,12,500	
3. Government receipt of assessment in respect of gharkhed and non-gharkhed land of Girasdars at present and those now to accrue ..	nil	1,29,37,500	After 21 years, Govt. will derive net annual gain of Rs. 32,62,500
4. Payment by Government to Barkhalidars of cash annuity ..	nil	27,56,250	
5. Government receipts in respect of gharkhed and non-gharkhed land of Barkhalidars at present and those now to accrue ..	nil	38,34,375	After 21 years, Govt. will derive net annual gain of Rs. 9,46,875
Total	nil	2,34,40,625	

This does not include the administrative and development charges which the Government will have to incur in respect of these villages. Gram panchayats alone will claim 20 to 30% of the land revenue, to say nothing of a large percentage of expenditure involved in the village improvement.

—Extract from the Memoranda submitted by the Government of Saurashtra to the Taxation Enquiry Commission.

*Development charges of the landed estates during
21 years of liquidation*

	Girasdars	Barkhalidars	Total
1. Approximate area of land (which was alienated)	Acres 24,75,000 (of this about 12 lacs acres will be Girasdars' gharkhed plus land under personal cultivation and 12,75,000 acres will be cultivators' occupancy holding under the provisions of the Act.	Acres 7,00,000 (of this approximately half the area will be Barkhalidars' gharkhed plus land under personal cultivation and the other half will be cultivators' occupancy holding).	Acres 31,75,000
2. Approximate annual receipts of land revenue on Girasdars/Barkhalidars as well as their tenants becoming occupants.	Rs. 60,00,000	Rs. 16,00,000	Rs. 76,00,000
3. Percentage of development charges.	12½%	12½%	12½%*
4. Annual amount of financial liability of Government on the percentage basis.	7,50,000	2,00,000	9,50,000
5. Total liability during 21 years.	1,57,50,000	42,00,000	1,99,50,000

* The receipts on account of 12½% are already accounted for in the separate tables of assessments on gharkhed and non-gharkhed land.

APPENDIX K

Statement showing the alienated villages, lands and revenue before and after the integration of the States and estates and after the abolition of the inams and non-ryotwari tenures in the Gujarat region

District	No. of villages		Gross area	Gross fixed revenue including Non-agrl. and all other uses	Net alienations of total inams (Class I to VII)	Alienated lands	Percentage of the alienated revenue to gross revenue	Percentage of alienated lands to gross area
	Khalas	Inam						
1	2(a)	2(b)	3	4	5	6	7	8
Ahmedabad, Kaira, Broach, Panch Mahals and Surat:								
1947-48 (before integration) ..	3,178	249	65,27,284	1,25,61,340	23,73,238	12,17,132	18.89%	18.64%
10 Gujarat districts:								
1951-52 (after integration) ..	9,600†	3,750	1,93,32,675	3,21,66,731	56,52,009	30,05,921	17.57%	15.54%
10 Gujarat districts:								
1954-55 (after abolition of land tenures) ..	12,260	1,084	2,03,05,822	3,43,81,937	41,71,337	20,89,950	12.13%	10.29%

APPENDIX L

Statement showing the alienated villages, lands and revenue before and after the integration of the States and estates and after the abolition of the inams and non-ryotwari tenures in the Maharashtra region

District	No. of villages		Gross area	Gross fixed revenue in-cluding Non-agrl. and all other uses	Net alienations of total inams (Class I to VII)	Alienated lands	Percentage of the alienated revenue to gross revenue	Percentage of alienated lands to gross area
	Khalsa	Inam						
1	2(a)	2(b)	3	4	5	6	7	8
Maharashtra Districts:								
1947-48	12,435	1,258	3,01,25,019	2,33,97,970	31,91,564	37,48,254	13.64%	12.44%
1951-52	14,719	1,836	3,57,43,514	2,96,54,186	43,29,598	46,71,282	14.60%	13.06%
1954-55	14,998	1,384	3,58,02,617	2,98,39,893	32,14,028	33,27,700	10.66%	9.29%

APPENDIX M

Statement showing exemptions from the application of the provisions of Bombay Tenancy and Agricultural Lands Act in full or in part provided for in the Act and the extent of these exemptions

Serial No.	Section	Nature of areas, holdings or holders exempted from the application of the provisions of the Act	Extent of exemption granted
1	2	3	4
1.	88 & 88-A	<p>(i) Lands belonging to Government and lands leased by Government.</p> <p>(ii) Areas notified by Government as reserved for non-agricultural or industrial development.</p> <p>(iii) Lands or estates taken under Government management under Chapter IV or Section 65 of the Act.</p> <p>(iv) Lands or estates under the management of the Court of Wards.</p> <p>(v) Lands taken under management temporarily by the Civil, Revenue or Criminal Courts by themselves or through the receivers appointed by them till the decision of the title of the rightful holders.</p> <p>(vi) Lands transferred to, or by, a Bhoodan Samiti recognised by the State Government in this behalf.</p>	<p>The exemption is from the application of all the provisions of the Act. The exemption granted to lands falling under (iii), (iv) and (v) continue only so long as the estates or lands are under the management of Government or a Civil or a Criminal Court. As soon as the management is withdrawn the lands and estates become subject to the provisions of the Act with the modification that the landlords are given one year's time from the date of withdrawal of the management for terminating under Section 31, tenancies other than permanent tenancies, of their lands and for the purpose of purchasing the leased lands, the tenants are given time of one year from the expiry of the period allowed to the landlords for terminating tenancies under Section 31 of the Act.</p>
2.	88-C	Persons who hold leased lands constituting holdings smaller than economic holdings and whose annual income including the rent of the leased lands does not exceed Rs. 1,500.	Provisions in the matter of the purchase of leased lands by tenants contained in Sections 32 and 32-R are made inapplicable to lands leased by holders mentioned in column 3.
3.	88-B	(a) Lands held or leased by a local authority or a University established by law in the State.	Except for the following provisions, the other provisions of the Act are made inapplicable to lands mentioned in column 3. (In other words only the following provisions apply to these lands.)

APPENDIX M—Contd.

1	2	3	4
		<p>(b) Lands which are the property of a trust for—</p> <p>(i) an educational purpose;</p> <p>(ii) a hospital; or</p> <p>(iii) an institution for public religious worship provided that the trust is, or is deemed to be, registered under the Bombay Public Trust Act, 1950, and the entire income of the lands is appropriated for the purposes of the trust.</p>	<p>Section 3—Making applicable to tenancies and leases of lands provisions of Chapter V of the Transfer of Property Act, 1882, in so far as they are not inconsistent with the provisions of the Act.</p> <p>Section 4-B—Saving tenancies from termination merely because of efflux of time.</p> <p>Sections 8, 9 to 11, 13—Provisions contained in the Act in the matter of fixation and payment of rent, abolition of cesses and suspension or remissions of rents.</p> <p>Section 27—Prohibiting, subletting or partitioning of lands.</p> <p>Chapters VI and VIII—Procedure and jurisdiction of Tribunal and Mamlatdar, appeals and miscellaneous matters in so far as they relate to the above sections.</p>
4.	43-A	<p>(i) Lands leased to or for the benefit of any industrial or commercial undertaking (other than a co-operative society)—</p> <p>(a) which in the opinion of the State Government <i>bona fide</i> carries on any industrial or commercial operations; and</p> <p>(b) which is approved by the State Government.</p> <p>(ii) Lands leased to bodies or persons other than those mentioned in (i) above:—</p> <p>(a) for the cultivation of sugar-cane, or</p> <p>(b) for the growing of fruits, or</p> <p>(c) for the breeding of livestock.</p>	<p>The following provisions of the Act do not apply—</p> <p>Section 4-B—Saving tenancies from termination merely because of the efflux of time.</p> <p>Sections 8, 9 to 10-A—Prescribing the rates and amounts of rents to be paid.</p> <p>Section 14—Laying down conditions on which a tenancy can be determined by the landlord.</p> <p>Sections 16 to 18—Provisions in regard to the sites of the dwelling houses of the tenants.</p> <p>Section 27—Prohibiting, subletting and sub-division of lands.</p>

APPENDIX M—*Contd.*

1	2	3	4
		(iii) Lands held or leased by such Co-operative Societies as are approved in the prescribed manner by the State Government and which have for their objects the improvement of the economic and social conditions of peasants or ensuring the full and efficient use of land for agriculture and allied pursuits.	<p>Sections 31 to 31-D—Termination of tenancy for personal cultivation or non-agricultural use.</p> <p>Sections 32 to 32-R—Purchase of land by tenants.</p> <p>Sections 34 and 35—Restrictions upon holding land in excess of ceiling area.</p> <p>Sections 43 and 63—Restrictions on transfers of agricultural lands.</p> <p>Section 63-A—Determination of the price of land for the purpose of its sale or purchase.</p> <p>Section 64—Sale of Agricultural land to particular persons.</p> <p>Section 65—Assumption of management of uncultivated lands.</p> <p>Special provisions have been made in Section 43-B for the determination of reasonable rent payable in respect of lands mentioned in column 3.</p>
5.	43-C	Lands within the limits of Greater Bombay, other Municipal Corporations in the State, constituted under the Municipal Corporations Act, 1949, Borough or District Municipalities constituted under the Bombay Municipal Boroughs Act, 1955, or the Bombay District Municipal Act, 1901, Cantonments, or areas included within Town Planning Schemes under the Bombay Town Planning Act, 1954.	<p>Provisions in regard to the purchase of lands by tenants contained in Sections 32 to 32-R, both inclusive, and those in Section 43, restricting transfers of land purchased or sold under the Act, are made inapplicable to lands in column 3.</p> <p>In the case of these lands the rights acquired by any person as tenant under the Bombay Tenancy and Agricultural Lands Act, 1948, after 28th December 1948, have not been allowed to be affected by the application of the Bombay Tenancy and Agricultural Lands (Amendment) Acts, 1952 and 1955, in spite of the fact that either of these two Acts has been made applicable to the areas in which the lands are situate.</p> <p>Special provisions are made under Section 43-D for the termination of tenancies of lands in column 3 by the landlord if he requires land for non-agricultural purpose.</p>

APPENDIX N

Statement showing the consolidation of holdings work done in the Bombay State, since its commencement upto 30.4.1956

State	No. of villages so far notified under Section 15	Detailed information in respect of villages, the scheme of which have been completed under Section 19 (1)										confirmed			
		No. of villages	Area	No. of Khatedars	No. of holdings before consolidation	No. of fragments before consolidation	No. of blocks formed after consolidation	No. of blocks formed after consolidation	No. of villages	Area	No. of Khatedars	No. of holdings before consolidation	No. of fragments before consolidation	No. of blocks formed after consolidation	No. of blocks formed after consolidation
(1)	(2)	3 (a)	3 (b)	3 (c)	3 (d)	3 (e)	3 (f)	3 (f)	4 (a)	4 (b)	4 (c)	4 (d)	4 (e)	4 (f)	4 (f)
Bombay..	3,750	1,511	21,76,986	1,99,205	6,13,345	2,56,909	3,48,198	1,063	12,94,392	1,16,353	3,58,510	1,49,899	1,94,637		

Detailed information in respect of villages, the scheme of which have been enforced							Remarks
No. of villages.	Area	No of Khatedars	No. of holdings before consolidation	No. of fragments before consolidation	No. of blocks formed after consolidation	No. of villages in respect of which scheme work is in progress.	
5 (a)	5 (b)	5(c)	5 (d)	5 (e)	5 (f)	(6)	(7)
740	8,65,899	74,272	2,23,160	97,993	1,21,145	346	

APPENDIX O
Statement showing the distribution and size of holdings (In thousands)

		Grades of holdings (in acres)							
		Less than 5	5-10	10-15	15-30	30-45	45-60	Above 60	Total
		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
BOMBAY :									
(a) Area owned	..	2,446	961	483	568	172	65	69	4,764
	Percentage	(51.3)	(20.2)	(10.2)	(11.9)	(3.6)	(1.4)	(1.4)	(100)
	Area	5,086	6,923	6,001	11,899	6,258	3,327	7,710	47,204
(b) Area under personal cultivation.	..	(10.8)	(14.7)	(12.7)	(25.2)	(13.3)	(7.0)	(16.3)	(100)
	..	2,183	862	442	515	155	57	59	4,273
	Percentage	(51.0)	(20.2)	(10.3)	(12.2)	(3.6)	(1.3)	(1.4)	(100)
SAURASHTRA :	..	4,481	6,063	5,350	10,541	5,527	2,875	5,889	40,726
	Area	(11.0)	(14.9)	(13.1)	(25.9)	(13.6)	(7.0)	(14.5)	(100)
	Percentage								
(a) Area owned	..	34	46	46	115	60	24	18	343
	Percentage	(9.9)	(13.4)	(13.4)	(33.6)	(17.5)	(7.0)	(5.2)	(100)
	Area	100	355	579	2,528	2,182	1,228	1,533	8,505
(b) Area under personal cultivation.	..	(1.2)	(4.2)	(6.8)	(29.7)	(25.7)	(14.4)	(18.0)	(100)
	..	33	45	45	113	59	24	18	337
	Percentage	(9.8)	(13.4)	(13.4)	(33.5)	(17.5)	(7.1)	(5.3)	(100)
KUTCH :	..	94	342	567	2,492	2,161	1,216	1,499	8,371
	Area	(1.1)	(4.1)	(6.8)	(29.8)	(25.8)	(14.5)	(17.9)	(100)
	Percentage								
(a) Area owned	..	16	17	10	17	8	4	6	78
	Percentage	(20.5)	(21.7)	(12.8)	(21.7)	(10.3)	(5.2)	(7.8)	(100)
	Area	49	128	129	379	299	212	628	1,824
(b) Area under personal cultivation.	..	(2.7)	(7.0)	(7.1)	(20.8)	(16.4)	(11.6)	(34.4)	(100)
	..	14	14	9	15	7	4	4	67
	Percentage	(20.8)	(20.8)	(13.4)	(22.3)	(10.4)	(5.9)	(5.9)	(100)
	..	43	107	112	327	265	180	303	1,337
	Area	(3.2)	(8.0)	(8.3)	(24.5)	(19.8)	(13.5)	(22.7)	(100)
	Percentage								

APPENDIX O—Contd.

(In thousands)

		Grades of holdings in acres							
		Less than 5 (1)	5-10 (2)	10-15 (3)	15-30 (4)	30-45 (5)	45-60 (6)	Above 60 (7)	Total (8)
MADHYA PRADESH :									
(a) Area owned	..	2,648 (59.4)	842 (18.9)	376 (8.4)	385 (8.7)	105 (2.4)	42 (0.9)	60 (1.3)	4,458 (100)
	..	5,075	5,988	4,592	7,965	3,806	2,159	7,617	37,202
	..	(13.6)	(16.2)	(12.3)	(21.4)	(10.2)	(5.8)	(20.5)	(100)
(b) Area under personal cultivation.	..	2,553 (60.7)	779 (18.5)	344 (8.2)	350 (8.3)	95 (2.2)	37 (0.9)	49 (1.2)	4,207 (100)
	..	4,782	5,531	4,195	7,218	3,401	1,907	5,705	32,739
	..	(14.6)	(16.9)	(12.8)	(22.1)	(10.4)	(5.8)	(17.4)	(100)
HYDERABAD* :									
(a) Area owned	..	897 (32.0)	595 (21.3)	385 (13.8)	535 (19.1)	190 (6.8)	82 (2.9)	114 (4.1)	2,798 (100)
	..	2,145	4,382	4,729	11,287	4,245	4,245	13,528	47,186
	..	(4.5)	(9.3)	(10.0)	(23.9)	(9.0)	(9.0)	(28.7)	(100)
(b) Area under personal cultivation.	..	844 (33.8)	528 (21.1)	336 (13.5)	464 (18.6)	163 (6.5)	70 (2.8)	92 (3.7)	2,497 (100)
	..	1,985	3,895	4,139	9,791	5,908	3,603	9,777	39,098
	..	(5.1)	(10.0)	(10.6)	(25.0)	(15.1)	(9.2)	(25.0)	(100)

* In Hyderabad, area is expressed in terms of dry acres. Wet lands have been converted into dry acres according to specified formulae.

APPENDIX P

The Record of Rights in Marathawada

In the former Hyderabad State, the land system was ryotwari. When initial surveys were undertaken, the assessment was settled with the actual occupants of different fields. They were then designated as Pattedars. Subsequently, the lands became encumbered with several interests with the result that the Pattedar ceased to be in actual possession of the land. His name, however, continued in the revenue records. In quite a few cases, the occupants who were in actual possession were not shown in the records. Under the Hyderabad Land Revenue Act, the occupant's liability to pay the assessment arose only when the Pattedar failed to pay it. Thus, Pattedars became poklist Khatedars.

The revenue records, therefore, very soon ceased to reflect the actual conditions on the spot. Since this defect did not affect the amount of land revenue due to Government, no serious attention was given to it. With such defective revenue records the ryotwari tenure deteriorated in practice and against its very spirit a few intermediary interests cropped up. These defects became more and more pronounced as time went on. As a result, the whole position regarding rights in land became shrouded in obscurity. Government had no information regarding sub-division or sizes of holdings, transfer of land or rural indebtedness. Proper administration of land revenue was not possible in such circumstances.

It was in this background that the Record of Rights Act of 1346 F. was passed. The work of preparing the Record of Rights was started in 1936-37 and had been in progress for 18 years. The general approach was that the Record of Rights was to be prepared purely as a Register of Rights in land. The Revenue system remained unchanged and unrelated to it. In other words, the Record of Rights was not made a record of liability. It was treated as a Census Register of Rights in Land as they existed at the time of its preparation. Without any care for its maintenance, it was consigned to oblivion soon after it was prepared. The preparation of the Record in such manner was of no practical value both to the landholders and the Government. The scheme did not thus succeed. During the period of 18 years, the Record of Rights was prepared in the Diwani areas of five Marathawada districts only and with that speed, it would have taken other 20 years to cover the whole area of the State.

It was realised in the light of this sad experience that the Record of Rights could be useful to the public and the administration only if it contained reliable and up-to-date information of rights in land and that the Record itself could be maintained correctly and up-to-date only if it was made the basis of annual Revenue Accounts.

The Land Census operations started in 1953 led to a reorientation of the policy regarding the Record of Rights. The object of the census was to collect correct information regarding sizes of holdings, land use, tenancies, rents, fragmentation, etc., for all ownership and cultivation holdings in the State. Based as it was on the old Pattadari rights, the Pahani-Patrak or other village registers could not be used for the census which aimed at enumerating holdings actually held by a landholder. So, what was needed for the land census was a correct and up-to-date Record of Rights in land. The record that was to be prepared for the Census could easily become the record of rights and be used as such in future. Trained staff and adequate funds were available for the Land Census operations. The only requirement was to ensure proper maintenance in future. It was, therefore, decided to combine the Record of Rights work with that of the Land Census. It was also decided to integrate the Record of Rights and Land Census work with the annual Revenue Accounts. To serve the three purposes, a common form known as Khasra Pahani was evolved and the

preparation of a preliminary Record of Rights was completed in the entire State along with the Land Census operations. Jambandi is now being conducted on the basis of occupancy rights. Mutation Rules have been made and the Revenue establishments at the Tahsil and Division level have been strengthened to enable them to cope with the increased work of maintenance of the Record of Rights.

One great effect of these reforms was to remove the defects which had crept into the ryotwari system. The nominal Pattedars and Khatedars have now disappeared from the Revenue Accounts and the Government deals directly with the actual occupants, each of them being an independent Khatedar. Proper maintenance will ensure direct relations between the Government and each landholder. Thousands of landholders who were not recorded previously even as hissadars have now been registered as occupants. Such recognition and certainty of their title have raised their social status and they now really have the pride of owning land. Litigation will be minimised. Such litigations as will be undertaken would be less expensive and less tortuous.

The Record of Rights contains many other details regarding the interests actually subsisting on the land. This information will be advantageous in framing policies and in assessing their effects. It is always better to put these facts regularly on record and have them readily available instead of having to institute special inquiries to find out the actual position whenever any need arises. With the implementation of the land reforms and enforcement of tenancy laws, it is essential that the Government should know the actual conditions on the spot. The Record of Rights meets this great need and has in fact become a necessary adjunct to the land reforms in the region.

The system of revenue accounts is based on the lines of the Hope system which obtained in the pre-reorganization Bombay State prior to the introduction of the Anderson's system of the revenue accounts. It is in a crude form. In order to bring it on a par with our system, the Anderson's system will have to be introduced on the basis of the existing forms in the Marathawada districts.

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